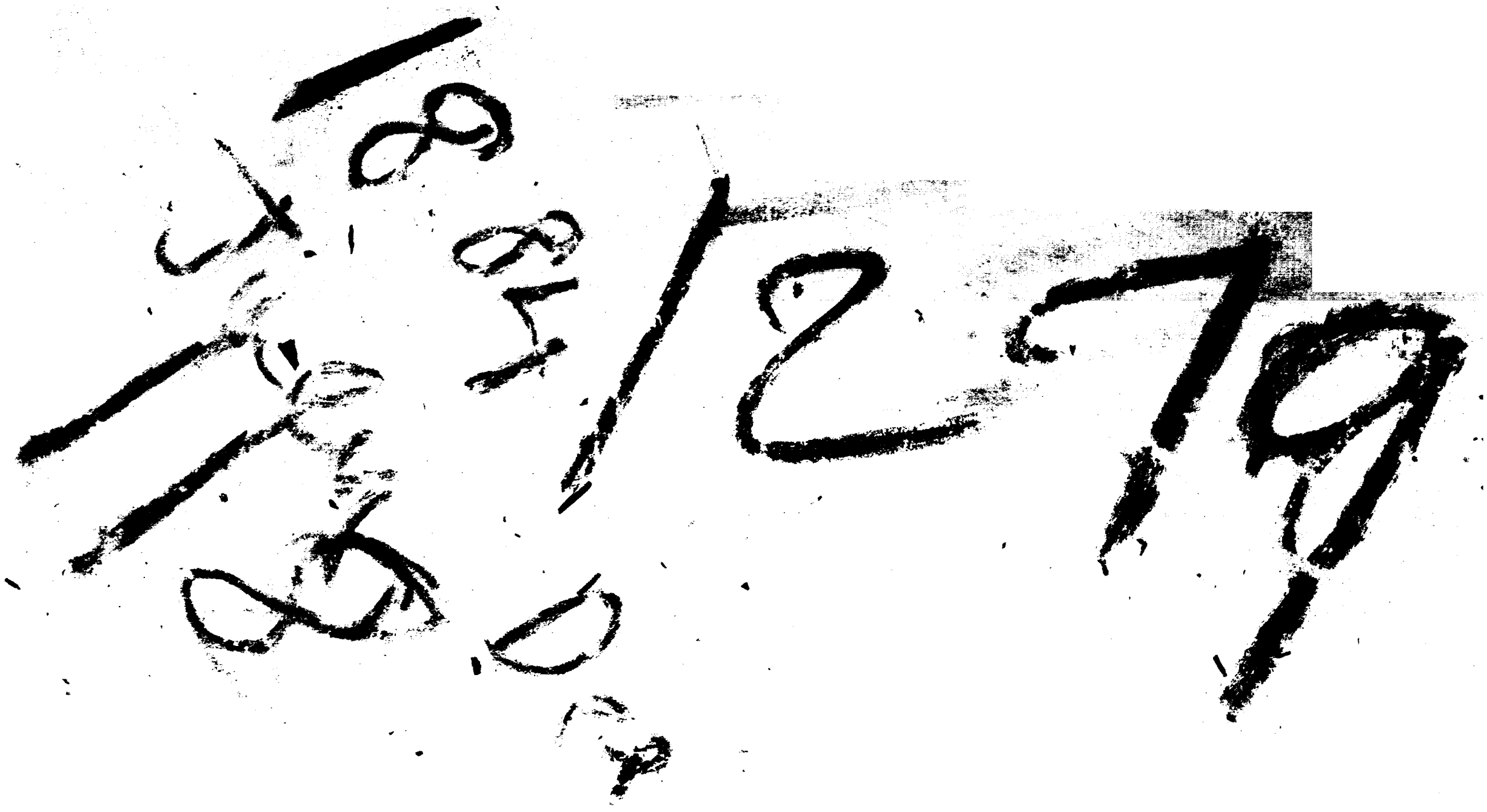


The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 27.] SIMLA, SATURDAY, JULY 5, 1884.

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

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SUPPLEMENT No. 27.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 1st July 1884.

No. 167.—*Appointment.*—Mr. C. W. McMinn, C.S., Deputy Commissioner, 2nd Class, in the Central Provinces, to officiate, with effect from the 8th April last, as Deputy Commissioner, 1st Class, during the absence on furlough of Lieutenant-Colonel C. H. Grace, or until further orders.

The 3rd July 1884.

No. 169.—The services of Mr. H. Z. Darrah, C.S., are placed at the disposal of the Chief Commissioner of Assam, with effect from the 1st instant.

MEDICAL.

The 2nd July 1884.

No. 289.—Deputy Surgeon-General A. J. Cowie is appointed to officiate as Surgeon-General, Bengal, during the absence on privilege leave of Surgeon-General A. J. Payne, or until further orders.

The 3rd July 1884.

No. 291.—The services of Surgeon G. J. Shand, M.D., Indian Medical Service, are temporarily placed at the disposal of the Government of the Punjab.

SANITARY.

The 4th July 1884.

No. 194.—The following translation of the Regulations of the Ottoman Board of Health for the Pilgrim Traffic of 1884, received by the Political Resident at Aden from Her Britannic Majesty's Consul at Jeddah are published for general information :—

TURKISH PILGRIM TRAFFIC REGULATIONS FOR 1884.

Article 1.

From the beginning of the month of Redjeb until the end of the month of Zilhidjé (April 27th to October 20th) the Lazaretto of Cameran is ready to receive arrivals by sea subject to quarantine.

Cameran opens only on the 6th June, up to which date pilgrim-ships can land at Abow-Saad.
(L. S.) (Sd.) T. S. JAGO,
H. M.'s Consul.

Article 2.

During the period of the six months above mentioned (Redjeb, Shaban, Ramzan, Shawal, Zilcadé, Zilhidjé) pilgrim-ships bound from outside the Straits of Bab-el-Mandeb, no matter what be the tenor of their bill of health, must go directly to the Island of Cameran without touching at any other port of the Red Sea coasts.

Article 3.

Pilgrim-ships are those expressly chartered for the conveyance of pilgrims going to Mecca.

Article 4.

Vessels bound to the Red Sea having on board only 1 pilgrim for every 100 tons register are not

included in the class of pilgrim-ships, nor are mail boats or vessels passing through the Red Sea bound to the Mediterranean and carrying such a number of pilgrims as does not exceed 5 pilgrims for every 100 tons register.

Article 5.

Vessels of the two categories mentioned in the preceding article are not obliged to go to Cameran. They must go to Abow-Saad, where they will discharge their pilgrims as well as merchandise, subject to quarantine destined for the Hedjaz or for the Yemen.

Article 6.

For this purpose a Lazaretto is established at Abow-Saad as a branch of the Cameran Lazaretto, and which for arrivals specified in Articles 4 and 5 of the present regulation will work throughout the year.

Article 7.

Arrivals from Egyptian ports, sambouks and other coasters, navigating from one port to another of the Red Sea coast, will also perform quarantine at Abow-Saad in case of necessity arising.

Article 8.

On the arrival of a pilgrim-ship in Cameran Harbour, as also at Abow-Saad, according to circumstances all pilgrims shall be disembarked and undergo the usual medical examination. If the health of the ship is good and without anything suspicious having occurred on the voyage, the ship and the pilgrims shall undergo five full days' quarantine, baggage and effects will be disinfected, the ship shall be washed and purified, but the cargo shall not be landed nor purified nor taxed.

Article 9.

Ships arriving from infected ports, but which have had no cholera case during the voyage or after arrival, shall undergo, ship and pilgrims, a quarantine of ten days. Merchandise coming from places contaminated by cholera shall remain on board the ship, if there has been no cholera cases during the voyage or after arrival, and is exempt from disinfection and from sanitary fees. Exception, however, is made for old personal effects and stuffs already used—unwashed wool, old cottons, hair and feathers, raw skins and hides, and other raw animal remains, as also rags.

Article 10.

Ships having had cholera cases during the voyage, or after arrival, or suspected of such, shall be subjected, ships and pilgrims, to a quarantine of at least 15 days. This quarantine shall be renewed each time a cholera case again occurs among crew or passengers after their arrival in Lazaretto, and shall date from the day of the last case of sickness. In this case the clauses in the Regulation of 1867 for cholera shall be strictly applied.

Article 11.

No pilgrim-ship shall leave Cameran for good without having re-shipped, at the expiration of the quarantine, all the pilgrims brought by her. Still vessels which have completed their quarantine without cholera cases or suspected cases among the crew, shall have a right to free pratique.

Article 12.

Sambouks coming from outside Cape Bab-el-Mandeb with pilgrims are in every way assimilated to vessels specially chartered for pilgrims. They must go directly to Cameran, and shall be repulsed from all other Arabian ports of the Red Sea.

By exception, vessels coming from Bassora with pilgrims on board bound for the Hedjaz must also go to Cameran, where they will be treated according to the tenor of their bill of health and the general regulations.

PORT BLAIR.

The 1st July 1884.

No. 408.—*Erratum.*—In Home Department Notification No. 193 of the 10th April 1884, for "Surgeon W. N. Keefer" *read* "Surgeon-Major W. N. Keefer."

The 4th July 1884.

No. 412.—Mr. A. J. King, Manager of the Government Tea Garden at Port Blair, is appointed to be *ex-officio* an Extra Assistant Superintendent in that Settlement.

ECCLESIASTICAL.

The 1st July 1884.

No. 107.—The services of the Rev. T. M. M. Griffiths, B.A., a Junior Chaplain on the Bengal Establishment, are placed at the disposal of the Government of Bengal, with effect from the 24th ultimo.

PATENTS.

The 30th June 1884.

No. 631.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

No. 90 of 1883.—Robert Gordon, Civil Engineer in the Public Works Department Rangoon, in the Province of British Burma, for improved means for conveying grain and all such things as are now usually conveyed in bulk.

No. 160 of 1883.—William Barclay Wishart, of Cawnpore, India, for shelling Indian-corn, *i.e.*, separating the grain from the head or cob.

No. 168 of 1883.—William Henry Hook, of London, in the County of Middlesex, England, for improvements in the manufacture of envelopes and in the machinery or apparatus employed therein; also applicable to other purposes.

No. 184 of 1883.—James Kerr, of Bucklersbury, in the City of London, Merchant, for improvements in the permanent way of tramways, applicable also to railways of all kinds.

No. 195 of 1883.—James Longmore, of Liverpool, in the County of Lancaster, England, Chemist, for improvements in the utilization of residues obtained in the refining of cotton-seed oil and in valuable products obtained therefrom.

No. 198 of 1883.—Edward Jones, Mechanical Engineer, and Albert Edward Jones, Electrician, both of Leeds, in the County of York, formerly of Church Terrace, Queen's Road, Battersea, in the County of Surrey, for improvements in electric arc lamps.

No. 199 of 1883.—Navroji Mancherji Mobedjina, of No. 98, Mody Street, Fort, Bombay, Gentleman, for an improved conveyance convertible at pleasure into a full open, part open, and full closed carriage.

No. 215 of 1883.—Thomas Whitaker, of Horsforth, in the County of York, England, contractor, for improvements in self-acting excavators or dredgers, and in the apparatus connected therewith.

No. 6 of 1884.—Gustave Philippart, a resident of the City of Paris, in the Republic of France, for improvements in the construction of electric accumulators and secondary batteries.

No. 21 of 1884.—Bhanamal, of Delhi, head partner of the firm of Bhanamal Gulzarimal, of Chaori Bazar, Delhi, Engineers and Iron Founders, but at present residing at No. 60, Cotton Street, Calcutta, for improvements in sugarcane-crushing mills.

No. 57 of 1884.—David E. Gostling, Architect, of 47, Apollo Street, Fort, Bombay, for an improved mill for grinding mortar, surki or brick-dust, and other materials.

No. 73 of 1884.—James Enright, of London, England, Electrician, for improvements in signalling mainly applicable to railways, and in apparatus therefor.

No. 81 of 1884.—Percy Swinburne, at present of Calcutta, Tea Planter, for an improvement in the method of gathering or collecting the tea leaf from tea bushes.

No. 82 of 1884.—Percy Swinburne, at present of Calcutta, Tea Planter, for an improvement in the method of gathering or collecting the tea leaf from tea bushes.

No. 83 of 1884.—Robert Wilcox, of Fawkner Street, St. Kilda, in the Colony of Victoria, Engineer, for improvements in steam ship propellers and in machinery for driving same.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—EXHIBITIONS.

Simla, the 2nd July 1884.

No. 674 *Ex.*—In exercise of the power conferred by Section 3 of Act XXII of 1876 (An Act to provide for the management of the Public Museum at Calcutta), the Governor General in Council is pleased to appoint Lieutenant-Colonel H. R. Thuillier, Officiating Deputy Surveyor General, to be a Trustee of the said Museum, *vice* Lieutenant-General J. T. Walker, retired.

E. C. BUCK,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 1st July, 1884.

No. 1293 *G.*—The services of Lieutenant R. Jennings, R.E., are replaced at the disposal of the Military Department, with effect from the date of termination of the special boundary settlement duty upon which he is employed in Jhallawar.

The 2nd July, 1884.

No. 1296 *G.*—Lieutenant H. L. Ramsay, Officiating Political Assistant of the 1st Class, is posted as Cantonment Magistrate at Nasirabad, with effect from the date of assuming charge.

No. 1298 *G.*—Lieutenant C. Herbert, Officiating Political Assistant of the 2nd Class, is posted as Assistant to the Governor-General's Agent in Rajputana, with effect from the date of assuming charge.

No. 1673 *E.*—Toloram, Tehsildar of Sibi, officiated as Native Assistant to the Agent to the Governor-General in Biluchistan, at Sibi, in addition to his other duties, from the 1st November to the 4th December, 1883, inclusive.

REVENUE.

The 30th June, 1884.

No 2482 *I.*—The Governor-General in Council has learned with much satisfaction that Rao Bahadur Amar Singh, Chief of Khilchipur, has abolished all transit duties hitherto levied within his State, with the exception of the duty on opium.

C. GRANT,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 4th July, 1884.

APPOINTMENTS.

No. 373.—BRIGADE STAFF—

Brigadier-General (with temporary rank) *Sir* O. V. Tanner, K.C.B., Bombay S. C., Commandant, 29th Bombay Native Infantry, and Commanding the Quetta District, to be a Brigadier-General on the establishment, *vice* Brigadier-General S. de B. Edwardes, C.B., transferred to the Bombay District.—Dated 1st November, 1883.

Captain W. R. Routh, Suffolk Regiment, Station Staff Officer, Murree, to be a Brigade Major on the establishment, *vice* Major H. R. Young, whose tenure of appointment has expired.—Dated 16th June, 1884.

No. 374.—MEDICAL DEPARTMENT—

Brigade Surgeon J. Browne, M.D., Indian Medical Service, to officiate on the Administrative Medical Staff of the Army with the temporary rank of Deputy Surgeon-General, *vice* Deputy Surgeon-General A. J. Cowie, appointed Officiating Surgeon-General, Bengal.

Surgeon-Major G. Hutcheson, M.D., Indian Medical Service, to officiate as Medical Storekeeper, Allahabad, during the absence on furlough of Brigade Surgeon G. A. Watson.

No. 375.—PUNJAB FRONTIER FORCE—

No. 4 Mountain Battery.

Lieutenant C. D. Scott, R.A., to be 2nd Subaltern, *vice* Lieutenant A. H. C. Birch, promoted.

FURLOUGH AND LEAVE.

No. 376.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Captain T. T. Vaughan, R.A., Commissary of Ordnance, 3rd class, (m. c.) for 182 days, under article 824, Army Regulations, India, volume I, Part I, with effect from the 17th June, 1884.

Second Class Assistant Apothecary R. Nugent, (u. p. a.) for one year, under rule VIII of the regulations of 1875.

No. 377.—Captain and Brevet Major J. M. Trotter, Bengal S. C., Wing Commander and 2nd-in-Command, 24th Native Infantry, has been granted furlough out of India (m. c.) for 98 days, under the regulations of 1875, with effect from the 1st April, 1884.

No. 378.—Lieutenant R. B. Shawe, Bengal S. C., Wing Officer, 16th Native Infantry, is granted furlough out of India (m. c.) for 182 days, under rule VI of the regulations of 1875, in extension of that allowed in G. G. O. No. 262 of 1884.

No. 379.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Major R. Bartholomew, General List, Cavalry, (m. c.) for 92 days.

Major D. W. Inglis, General List, Infantry, (m. c.) for three months.

LONDON GAZETTE.

No. 380.—The following extracts are published for general information:—

London Gazette, dated the 3rd June, 1884, pages 2439 and 2440.

WAR OFFICE;

Pall Mall, 3rd June, 1884.

MEMORANDA.

Deputy Commissary and Honorary Captain William Wild, Bombay Establishment, to have the honorary rank of Major on retirement. Dated 18th February, 1884.

Assistant Commissary and Honorary Lieutenant William Crawford, Bengal Establishment, to have the honorary rank of Captain on retirement. Dated 1st February, 1884.

Deputy Commissary and Honorary Lieutenant Thomas Pearson, Bombay Establishment, to have the honorary rank of Captain. Dated 18th February, 1884.

Deputy Assistant Commissary George Chooet, Madras Establishment, to have the honorary rank of Lieutenant. Dated 22nd March, 1883.

Deputy Assistant Commissary William Paterson Carson, Madras Establishment, to have the honorary rank of Lieutenant. Dated 19th February, 1884.

Apothecary Richard Stratheden Dawson, Subordinate Medical Department, Madras Establishment, to have the honorary rank of Surgeon. Dated 4th June, 1884.

INDIA OFFICE;

3rd June, 1884.

The Queen has approved of the following admissions to the Staff Corps in India:—

BENGAL STAFF CORPS.

To be Captain.

Captain Arthur William Brooke, from the York and Lancaster Regiment. Dated 11th July, 1882, but to rank from 29th May, 1882.

To be Lieutenants.

Lieutenant Henry Augustus Carleton, from the Royal Artillery. Dated 5th July, 1882, but to rank from 9th October, 1877.

Lieutenant Frederick William Repton, from the Leinster Regiment. Dated 5th July, 1882, but to rank from 12th February, 1881.

Lieutenant George Frederick Dashwood Hamilton, from the East Surrey Regiment. Dated 5th July, 1882, but to rank from 1st July 1881.

PENSIONS.

No. 381.—Conductor William Carew, Ordnance Department, is transferred to the Pension establishment.

PROMOTIONS.

No. 382.—Under the provisions of the Royal warrant of the 10th November 1881, the name of Colonel G. W. Fraser, Bengal S. C., is placed on the list of Major-Generals on the Indian gradation list, in consequence of the transfer to the unemployed supernumerary list of Colonel (borne as Major-General on the Indian gradation list) C. S. Elliot, Madras S. C., on the 14th April, 1884.

No. 383.—The names of the following officers of the Indian Staff Corps are moved up on the Indian gradation list, under the terms of the Royal Warrant of the 10th November, 1881:—

Placed on the list of Major-Generals.

Colonel A. Drury, Madras.
Colonel J. I. Willes, Bengal.
Colonel W. A. Gib, C.B., Madras.

Placed on the list of Lieutenant-Colonels.

Major (now Lieutenant-Colonel) J. Biddulph, Bengal, in consequence of the transfer to the unemployed supernumerary list of the undermentioned officers on the 1st January, 1884:—

Major-General F. Schneider, Bombay S. C.
Major-General G. B. Mainwaring, Bengal S. C.
Major-General R. H. Keatinge, C.S.I., V.C., Bombay S. C.

NOTE.—Colonel T. Nuttall, Bombay S. C., is placed on the list of Major-Generals on the Indian gradation list, in consequence of the transfer to the unemployed supernumerary list of Major-General C. P. Hildebrand, Bengal Infantry, on the 10th December, 1883, and not as stated in G. G. O. No. 59 of 1884.

No. 384.—The following promotions and alterations of rank are made, subject to Her Majesty's approval:—

BREVET.

To be Lieutenant-Colonels.

Major George Thomas Halliday, Bengal Cavalry, in succession to Lieutenant-General A. W. Lucas, C.B., Bombay S. C., transferred to the unemployed supernumerary list. Dated 1st January, 1884.

Major William Henry Beckett, Bengal General List, Infantry, in succession to Major-General F. Schneider, Bombay S. C., transferred to the unemployed supernumerary list. Dated 1st January, 1884.

Major Thomas James Quin, Bengal General List, Infantry, in succession to Major-General G. B. Mainwaring, Bengal S. C., transferred to the unemployed supernumerary list. Dated 1st January, 1884.

Major Neville Fraser Parker, Bengal General List, Infantry, in succession to Major-General R. M. Macdonald, Madras S. C., transferred to the unemployed supernumerary list. Dated 1st January, 1884.

Major Charles Nesbit Hodgson, Bengal General List, Infantry, in succession to Major-General J. C. P. Baillie, Bengal Infantry, transferred to the unemployed supernumerary list. Dated 1st January, 1884.

Alterations of rank.

The promotion of the undermentioned officers to the rank of Lieutenant-Colonel by brevet to be antedated as follows:—

Major William Douglas Brodie Ketchen, Madras General List, Cavalry, to the 10th December 1883, in succession to Major-General C. P. Hildebrand, Bengal Infantry, transferred to the unemployed supernumerary list.

Major Harvey Young Murray, Bengal Cavalry, to the 16th December, 1883, in succession to Colonel (borne as Major-General on the Indian gradation list) A. B. Marsack, Madras S. C., transferred to the unemployed supernumerary list.

Major Adam Wilson Graham, Bengal General List, Infantry, to the 16th December 1883, in succession to Major-General J. M. Earle, Bengal Infantry, transferred to the unemployed supernumerary list.

No. 385.—NATIVE ARMY—

10th Bengal Lancers.

Kote-Duffadar Sedu Sing to be Jemadar, *vice* Jemadar Amir Chand, deceased—16th May, 1884.

3rd Native Infantry.

Havildar Mirza Bubbun Beg to be Jemadar, *vice* Jemadar Seetul Ditchit, invalided,—1st May, 1884.

15th Native Infantry.

Jemadar Wazir Singh to be Subadar, *vice* Subadar Nehal Singh, invalided;
Drill-Havildar Nowrung Singh to be Jemadar, *vice* Jemadar Abloo Singh, invalided;
Pay-Havildar Bissen Singh to be Jemadar, *vice* Jemadar Khooshial Singh, invalided,—
with effect from 1st May, 1884.

21st Native Infantry.

Jemadar Shere Khan to be Subadar; Havildar-Khoda Bux to be Jemadar, *vice* Subadar-Major Didar Bux, "Sirdar Bahadur," invalided,—1st May, 1884.

No. 386.—PUNJAB FRONTIER FORCE—

1st Sikh Infantry.

Jemadar Lal Singh to be Subadar;
Havildar Wazir Khan to be Jemadar,—
with effect from 1st May, 1884, *vice* Subadar Meah Singh, invalided.

1st Punjab Infantry.

Jemadar Essur Singh to be Subadar;
Havildar Sundar Singh to be Jemadar, *vice* Subadar Kala Singh invalided,—
with effect from 1st May, 1884.

RETIREMENTS.

No. 387.—The undermentioned officers are permitted to retire from the service, with effect from the dates specified, subject to Her Majesty's approval:—

Lieutenant-Colonel and Brevet Colonel Henry Doveton Battye, Bengal S. C.,—25th August, 1884.

Surgeon-Major Riners Mantell, M.B.,—16th July, 1884.

No. 388.—Surgeon-Major Frederick William Alexander de Fabeck has been permitted to retire from the Service, with effect from the 24th April, 1884, subject to Her Majesty's approval.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 30th June, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, on the dates specified, were received in the Military Department between the 17th and the 30th June, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Royal Artillery ...	Lieutenant E. A. F. H. Day ...	10th June, 1884...	Khyragully (Murree Hills).	...	...
The Cheshire Regiment ...	Lieutenant C. C. Thackeray ...	23rd June, 1884...	Solon ...	...	...

Statement of Deposits on account of Estates between the 17th and the 30th June, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Indian Military Service.							
William Alexander Garden.	Colonel ...	Bengal Staff Corps.	12th December, 1883.	Intestate	49 8 8	*Nil*	30th August, 1884.

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 1st July 1884.

No. 146.—Mr. W. H. Marten, Deputy Examiner, Public Works Accounts, Bengal, was on extraordinary leave without allowances from 5th to the 19th May 1884, both days inclusive.

No. 147.—The services of Mr. R. A. Way, Executive Engineer, 3rd Grade, of the Railway Branch, are placed temporarily at the disposal of the Bengal and North-Western Railway Company, with effect from the 6th July 1884, the date on which his furlough expires.

No. 148.—The services of Mr. P. Rainier, in Class III of the Superior Revenue Establishment of State Railways (Traffic Department), are placed temporarily at the disposal of the Chief Commissioner, Central Provinces.

No. 149.—*Erratum.*—In the last line of Public Works Department Notification No. 119, dated 15th May 1884, promoting Mr. E. J. Mitchell to Assistant Engineer, 3rd Grade, for *15th May 1884*, read *1st January 1884*.

No. 150.—The Governor General in Council is pleased to order the following sub. *pro tempore* promotions in the classes of Superintending Engineers, with effect from the 27th May 1884:—

To Superintending Engineer, Class I.

Mr. E. J. Martin, Superintending Engineer, Class I, *temporary rank.*

To Superintending Engineer, Class III.

Mr. H. F. Storey, Superintending Engineer, Class III, temporary rank.

The 2nd July 1884.

No. 151.—Mr. L. H. Butcher, Assistant Engineer, 2nd Grade, Punjab, is transferred to State Railways, and his services placed at the disposal of the Director General of Railways.

The 4th July 1884.

No. 152.—Captain M. C. Brackenbury, R.E., Executive Engineer, 2nd Grade, is granted three months' special leave under Public Works Code, V-I-14B (Fourth Edition), with effect from the 1st July 1884.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 28. SIMLA, SATURDAY, JULY 12, 1884.

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PART III.—Advertisements and Notices by private individuals and Corporations.

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

Nothing for publication.

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

The Indian Salt Act Amendment Bill, 1884.
The Panjáb Courts Bill, 1884.
The Khojá Succession Bill, 1884.

SUPPLEMENT No. 28.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Simla, the 10th July, 1884.

No. 14.—Mr. G. T. Spankie, Reporter for the Indian Law Reports in the High Court, Allahabad, has been granted leave of absence from the 26th instant, or such subsequent date as he may avail himself of it, to the 30th November next.

No. 15.—Mr. Arthur Strachey, Barrister-at-Law and Advocate of the High Court, Allahabad, has been appointed to officiate as Reporter for the Indian Law Reports in the High Court, North-Western Provinces, during the absence of Mr. G. T. Spankie, or until further orders.

D. FITZPATRICK,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 9th July 1884.

No. 172.—Mr. F. H. Pellew is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 29th August 1884.

The 11th July 1884.

No. 178.—*Appointment.*—Mr. H. Luttman-Johnson, C.S., is appointed to officiate as Judge and Commissioner, Assam Valley Districts, with effect from the afternoon of the 5th May 1884, during the absence on furlough of Mr. C. J. Lyall, M.A., C.S., or until further orders.

MUNICIPALITIES.

The 8th July 1884.

No. 91.—In exercise of the power conferred by Section 5 of Act XIV of 1874 (The Scheduled Districts Act), the Government of Bombay is pleased, with the previous sanction of the Governor General in Council, to extend Section 14 (providing for the regulation of brothels) of Act XLVIII of 1860 to the city of Hyderabad.

JUDICIAL.

The 8th July 1884.

No. 923.—Mr. R. S. T. MacEwen, Barrister-at-Law, is appointed Recorder of Rangoon, substantive *pro tem.* during the absence on leave of Mr. W. F. Agnew, or until further orders.

POLICE.

The 8th July 1884.

No. 203.—The services of Mr. G. J. Cawley, District Superintendent of Police, Assam, are replaced at the disposal of the Government of Bengal, with effect from the 1st December 1883.

The 11th July 1884.

No. 211.—The services of Mr. J. Patch, District Superintendent of Police, 4th Grade, Assam, are replaced at the disposal of the Government of Bengal, with effect from the date on which he reports his return from furlough.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—POLITICAL.

Simla, the 8th July, 1884.

No. 1326 *G.*—With reference to Foreign Department Notification, No. 700G., dated the 9th April, 1884, the recognition by the Government of India of the appointment of Mr. Harold Curjel as Acting Consul for Denmark, at Bombay, has been confirmed by Her Majesty's Government.

The 9th July, 1884.

No. 2588 *I.*—His Excellency the Viceroy and Governor General is pleased to confer upon Sher Singh, late Head Camel Chaudhari with the Kuram Field Force, the title of "Rao Sahib," as a personal distinction.

The 10th July, 1884.

No. 1346 *G.*—With reference to Foreign Department Notification, No. 989G., dated the 12th May, 1884, the recognition by the Government of India of the appointment of Mr. F. L. Foucar as Acting Consul for the German Empire, at Moulmein, has been confirmed by Her Majesty's Government.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 9th July 1884.

No. 2094.—Mr. C. W. Hutchinson, Officiating Post Master General, Madras, and Rai Saligram Bahadur, Officiating Post Master General, North-Western Provinces and Oudh, are confirmed in those appointments, respectively, with effect from the 1st June 1884.

No. 2115.

ORDER—By the Government of India, Department of Finance and Commerce.

Read the following:—

At the Fifth Meeting of the Commissioners for the Reduction of Debt, held at the Comptroller General's Office on Wednesday, March 12th.

PRESENT:

BABU DURGA CHURN LAW,
J. WESTLAND, Esq.,
Head Commissioner of Paper Currency. } *Commissioners.*

I

The following statement of the Account for 1882-83 was laid before the meeting:—

	£
Amount spent in Famine Relief	22,103
Protective Works—	
Railways	129,101
Irrigation	263,443
TOTAL EXPENDITURE ...	156,445
Balance available for Reduction of Debt	1,343,555
TOTAL ...	1,500,000

The latter amount had been charged off and credited to the account of the Commission, of which the actual transactions for 1882-83 stand as follows:—

Account of the Commission for the Reduction of Debt, 1882-83.

	Rs.	A.	P.		Rs.	A.	P.
Balance brought over from last Account ...	54,10,972	10	8	Amount ordered to be written off by the Commissioners at their second meeting held on 8th September 1882, being the amount of debt discharged in the five months April to August 1882 ...	55,70,740	0	0
Balance of the sum of Rs. 84,13,206 provided by Government for the reduction of debt, in orders of the Government of India in the Financial Department, No. 683, dated 3rd February 1882 ...	9,13,206	0	0				
Amount placed at credit of the Commission in 1882-83 for meeting the payments to be made on account of Bills and Telegraphic Transfers sold by the Secretary of State on Calcutta, Madras, and Bombay to provide Funds for the reduction of the sterling debt in England—				Amount ordered to be written off by the Commissioners at their third meeting held on the 12th July 1883, being the amount of debt discharged in the months of September to March 1883 ...	2,05,666	10	8
Rs. A. P.					57,76,406	10	8
Calcutta 53,02,000 0 0							
Madras 6,33,000 0 0							
Bombay 63,42,000 0 0							
	1,22,77,000	0	0				
Amount placed at credit of the Commission for the Reduction of Debt in India, being the difference between Rs. 1,50,00,000, the annual assignment under the head Famine Relief and Insurance and the total of Rs. 2,21,029-10-9 actually expended on Relief, Rs. 13,43,421-8-4 charged under Protective Works and Rs. 1,22,77,000 credited to the Commission for meeting the Secretary of State's drawings ...	11,58,548	12	11	Secretary of State's Bills and Telegraphic Transfers paid in 1882-83— Rs. Calcutta ... 20,10,000 Madras ... 5,50,000 Bombay ... 22,50,000	48,10,000	0	0
					1,05,86,406	10	8
Less the amount already placed at credit of the Commission in the Accounts of 1882-83 as above ...	9,13,206	0	0	Balance on 31st March 1883 carried forward ...	82,60,114	12	11
	2,45,342	12	11				
TOTAL ...	1,88,46,521	7	7	TOTAL ...	1,88,46,521	7	7

The account of the Commission, as printed in the Finance and Revenue Accounts accordingly stood as follows:—

No. 47A.—ACCOUNT of the COMMISSION *for the* REDUCTION *of* DEBT *for the Year ended 31st March 1883.*

	India.	England.	Total.		India.	England.	Total.
	£	£	£		£	£	£
Balance remaining unspent on 1st April 1882 ...	541,098	...	541,098	Amount ordered to be written off by the Commission for the Reduction of Debt, being the amount of Government Securities discharged by payment at the Bank of Bengal in 1882-83 as per following details:—			
Amount credited to this account by *per contra* charge to Reduction of Debt under Famine Relief and Insurance for the Reduction of Debt in India...	115,855	...	115,855	Reduced 4 per cent. Loan of 1881 22,550			
Amount transferred from Reduction of Debt under Famine Relief and Insurance for Remittance to England by Bills drawn on—				4 per cent. of 1824-25 ... 6,197			
£				4 per cent. of 1828-29 ... 4,694			
Calcutta ... 530,200				5 per cent. of 1867-68 ... 544,200			
Madras ... 63,300				Secretary of State's Bills paid at—	577,641	...	577,641
Bombay ... 634,200				Calcutta ... 201,000			
	1,227,700	...	1,227,700	Madras ... 55,000			
				Bombay ... 225,000			
					481,000	...	481,000
					1,058,641	...	1,058,641
Amount received for Bills drawn on India	...	1,001,393	1,001,393	Balance on 31st March 1883— Outstanding Bills and Telegraphic transfers	746,700	...	746,700
				Unappropriated	79,312	1,001,393	1,080,705
TOTAL ...	1,884,653	1,001,393	2,886,046	TOTAL ...	1,884,653	1,001,393	2,886,046

The following duties remained with reference to the expenditure of 1882-83:—

(1) To receive and pass the Audit Certificates for the expenditure of the abovementioned £156,445.

(2) To receive the account of the Secretary of State of his disposal of the sterling received £1,001,393. (*See* proceedings of the fourth meeting.)

II

The following estimate of the state of the account for 1883-84 and 1884-85 was laid before the Commissioners :—

FAMINE AND REDUCTION OF DEBT.

Estimate for all India. (Revised to 3rd March 1884.) (Thousands of Rupees.)

The only famine charges provided in the Revised Estimate for 1883-84 are—Bengal 7, North-West Provinces 2, Madras 42, and Bombay 47; total 98.

From the Public Works Estimate we get—

	Revised. 1883-84.	Budget. 1884-85.
Protective Works, Railways	62,59	88,86+25,00
„ „ Irrigation	29,10	31,01
Total ...	91,69	1,44,87

Now the accounts from the beginning have been as follow :—

	1881-82.	1882-83.
32.—Famine	8,48	2,21
33.—Protective Works, Railways	61,46	—12,91
34.— „ „ Irrigation	13,54	26,34
35.—Reduction of Debt	71,52	1,34,36
	1,50,00	1,50,00

In the first year 1881-82 the Commission and the Public Works Department had each their 75,00. Next year the Commission obtained for Famine and Reduction of Debt 1,36,57, or 61,57 in excess of their shares, and the amounts at disposal for 1883-84 were accordingly—

Commission	75,00 — 61,57 = 13,43
Public Works Department	75,00 + 61,57 = 1,36,57

As the Revised Estimates stand, the Public Works are to short-spend 1,36,57 — 91,69 = 44,88 of their share, and this they may add to their next year's grant. They work up in 1883-84, it will be seen, to 1,00,00 + 44,87, instead of to 75,00 + 44,87, as the famine grant for the whole year is to be increased from 1,50,00 to 1,75,00 by the addition of the 25 lakhs given out of North-West Provincial resources.

The following statement therefore shows the balance which will be available for the Commission :—

	Revised. 1883-84.	Budget. 1884-85.
Famine	98	...
Protective Works, Railway	62,59	1,13,86
„ „ Irrigation	29,10	31,01
Reduction of Debt	57,33	30,13
	1,50,00	1,75,00

III

On the question of the disposal of the money credited to the account of the Commission for 1883-84, the Government proposed that, seeing the present difficulty of raising money in India, it should be repaid to the Government Treasury so as to obviate *pro tanto* the necessity for raising a new debt. The accompanying letter

containing the views of the two Commissioners present was accordingly addressed to Mr. Keswick, who was absent from Calcutta. His reply is also attached.

DURGA CHURN LAW,
J. J. J. KESWICK,
E. T. ATKINSON [*for* J. WESTLAND],
Commissioners for the Reduction of Debt.

No. 358, dated 14th March 1884.

From—J. WESTLAND, Esq., Head Commissioner of Paper Currency,
To—J. J. J. KESWICK, Esq.

Your absence from Calcutta has prevented my laying before you personally the present state of the account of the Commission for Reduction of Debt; but I now forward for your information a statement showing the position of the account as it is estimated to stand at the end of 1883-84.

The papers I send are—

(1) An extract, pages 101 to 104, of the Finance and Revenue Accounts of the Government of India for 1882-83.

(2) An extract showing the Revised Estimate for 1883-84 and the Budget Estimate for 1884-85. From the last you will see that it is probable that the balance to be transferred to credit of the Commission for the Reduction of Debt in 1883-84 is Rs. 57,31,000.

The appropriation of the amount we have now to consider under the terms of the Resolution of 3rd February 1882, of which the material part is as follow :—

"Whether the sum available shall be appropriated to the actual discharge of existing rupee debt or sterling debt, or whether it shall be temporarily invested in Government securities, or whether it shall be retransferred from the Commissioners to the Government Treasury with a view to the avoidance *pro tanto* of new debt which might otherwise be incurred for the construction of Productive Public Works, is a question which must be considered and determined from year to year, in view of the condition of the money market in India and England, and other circumstances."

Babu Durga Churn Law and myself concur in opinion that the present state of the money market is so entirely unfavourable for borrowing, that the best application of the money would be "to retransfer it to the Government Treasury with a view to the avoidance *pro tanto* of new debt," as the Commissioners may safely take for granted that the Government will have to borrow, either in sterling or in rupees, a considerable part of the annual requirement for the construction of Productive Public Works, and is not in a position to apply any of the available funds for the cancelment of existing debt.

If you concur in this opinion, I would be much obliged by your permitting me to record this letter and your reply as part of the proceedings of the meeting held in your absence from Calcutta by Babu Durga Churn Law and myself.

No. 359.

Copy forwarded to the Hon'ble Babu Durga Churn Law.

Dated 30th May 1884.

From—J. J. J. KESWICK, Esq.,
To—The Head Commissioner of Paper Currency.

I thank you for sending in response to my letter of yesterday a copy of your No. 358 of 14th March, the original of which, owing to my absence from Calcutta, I have not received.

I note that it is probable that the balance to be transferred to credit of the Commission for the Reduction of Debt in 1883-84 is Rs. 57,31,000, and quite approve of the money being retransferred to the Government Treasury with a view to the avoidance *pro tanto* of new debt.

ORDER.—Ordered, that these Proceedings be published in the *Gazette of India* for general information.

The following Corrigendum to the Codes of the Financial Department is published for general information :—

The 11th July 1884.

No. 2036.

P. & A. A. C.

Page 299.

Section 57.

Substitute the following for Clause (i) of this Section and the Note under it :—

The following rules regulate the powers of the Government of India and of Local Governments in sanctioning deputations and temporary appointments, and the rates of deputation allowance :—

(i) An officer is said to be on deputation when he is detached on special temporary duty for the performance of which there is no permanently or temporarily sanctioned appointment. A temporary appointment is an appointment carrying a definite rate of pay and sanctioned for a limited time.

(ii) A temporary appointment, if the cost is Provincial, may be sanctioned by a Local Government without reference to the Government of India, provided the pay of the appointment does not exceed Rs. 3,000 a year. If the cost is Imperial, a temporary appointment requires the sanction of the Government of India; but if the pay of the appointment does not exceed Rs. 3,000 a year, it will be sufficient to include it in the statement of fresh charges submitted to the Government of India, unless it should last for more than a year. In the latter case, a special application must be made for the sanction of the Supreme Government.

(iii) Temporary appointments on more than Rs. 250 a month will be reported to Her Majesty's Secretary of State in the Annual Statement of Increases and Decreases of Expenditure, or separately in each instance, according to the nature of the case.

(iv) An officer may be deputed on special duty by a Local Government without reference to the Government of India, and without limit of time, if the cost of the deputation is Provincial, and if the remuneration granted to the officer is not at a higher rate than Rs. 3,000 a year. An officer may not be deputed on special duty by a Local Government if the cost is Imperial without the sanction of the Government of India.

(v) An officer, no matter what his salary, may be deputed on special duty by a Local Government for a period not exceeding six months, provided the cost of the deputation is Provincial, and he may be allowed by the Local Government to draw the pay or salary which, but for his deputation, he would have continued to draw either as substantive or officiating. If the duties involve a decided increase of work or responsibility in comparison with the duties of his regular appointment, or require a change of station, the Local Government may in addition allow the officer to draw a deputation allowance at a rate not exceeding one-fifth of salary, subject to a maximum limit of Rs. 10 a day.

If it is expected that the deputation should last for more than six months, or if it does actually last for more than six months, a special application for the sanction of the Government of India must be made.

Deputation allowances are granted independently of any travelling allowance which may be admissible.

[*Note.*—"Local Government," for the purposes of these rules, includes a Chief Commissioner, the Resident at Hyderabad, the Agents to the Governor General for Rajputana and Central India, and a Department of the Government of India.]

No. 2161.—Surgeon-Major H. W. Graham, having been permitted to resign his appointment as Assay Master, Bombay Mint, his services were replaced at the disposal of the Military Department, with effect from the 10th May 1884.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 11th July, 1884.

APPOINTMENTS.

No. 389.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India :—

Lieutenant Edmund Boteler Burton, West Riding Regiment, Wing Officer, 7th Native Infantry,—1st July, 1882.

Lieutenant William Alexander Wickedé Strickland, Dorsetshire Regiment, Officiating Wing Officer, 2nd Native Infantry,—1st July, 1882.

Lieutenant George William Rawlins, North Lancashire Regiment, Officiating Wing Officer, 20th Native Infantry,—11th July, 1882.

Lieutenant George Rodney Brown, Royal Warwickshire Regiment, Wing Officer, 4th Goorkha Regiment,—12th June, 1883.

Lieutenant Lesley Charles Hamilton Stainforth, South Wales Borderers, Officiating Wing Officer, 3rd Native Infantry,—15th June, 1883.

Lieutenant Frederick Weston Peile Macdonald, Royal Irish Regiment, Officiating Wing Officer, 19th Native Infantry,—17th June, 1883.

No. 390.—JUDGE ADVOCATE GENERAL'S DEPARTMENT—

Lieutenant-Colonel M. Clementi, Deputy Judge Advocate, to be Deputy Judge Advocate General, *vice* Colonel C. Nedham, transferred to the unemployed supernumerary list ;

Captain W. H. F. Macmullen, Officiating Deputy Judge Advocate, to be Deputy Judge Advocate, *vice* Lieutenant-Colonel Clementi,—

with effect from the 1st July, 1884.

No. 391.—PUNJAB FRONTIER FORCE—

1st Punjab Infantry.

Lieutenant C. L. M. Rich, East Lancashire Regiment, a candidate for the Bengal Staff Corps, to officiate as Wing Officer, on probation, with effect from the 25th June, 1884.

No. 392.—VOLUNTEER CORPS—

Calcutta Volunteer Rifle Corps.

Edward Fowler Greenhill, Esquire, M.R.C.S. and L.R.C.P., to be Honorary Surgeon.

FURLOUGH AND LEAVE.

No. 393.—Captain H. M. Briscoe, Bengal S. C., Wing Officer, 42nd Native Infantry, is granted furlough without pay for four days, with effect from the 18th January, 1884, in extension of that allowed in G. G. O. No. 404 of 1883.

No. 394.—Captain G. E. Money, Bengal S. C., Squadron Commander, 1st Regiment, Central India Horse, is granted general leave for the 21st and 22nd February, 1884, under rule XXV of the regulations of 1868.

No. 395.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Lieutenant-Colonel W. E. Chambers, Bengal S. C., (m. c.) for four months.

Captain W. T. Shone, R.E, (p. a.) for two months.

LONDON GAZETTE.

No. 396.—The following extracts are published for general information :—

London Gazette, dated the 6th June, 1884, pages 2482 and 2483.

INDIA OFFICE;
6th June, 1884.

The Queen has approved of the following promotions among the officers of the Staff Corps and Indian Military Forces made by the Governments in India :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major William Reeves Bunbury. Dated 31st March, 1884.

Major Archibald Dunstaffnage Campbell. Dated 4th April, 1884.

Major James William Abbot Michell. Dated 4th April, 1884.

To be Majors.

Captain Hugh De la Motte Hervey. Dated 5th April, 1884.

Captain and Brevet Lieutenant-Colonel Montagu Gilbert Gerard, C.B. Dated 19th April, 1884.

To be Captains.

Lieutenant Philip Arnold Buckland. Dated 24th April, 1884.

Lieutenant Bedford Morant Allen. Dated 24th April, 1884.

BENGAL MEDICAL ESTABLISHMENT.

To be Deputy Surgeon-General.

Brigade-Surgeon Alexander John Cowie. Dated 19th April, 1884.

To be Brigade-Surgeons.

Surgeon-Major William Roche Rice, M.D. Dated 10th April, 1884.

Surgeon-Major Henry Cayley. Dated 19th April, 1884.

Surgeon-Major James Champion Penny, M.D. Dated 24th April, 1884.

Surgeons to be Surgeons-Major.

Dated 30th March, 1884.

Alexander Crombie, M.D.
William Reed Murphy.
Charles Henry Joubert.
Edgar Geer Russell.
John Scully.
Geoffrey Craythorne Hall.
Gopal Chunder Roy, M.D.
Adam Scott Reid.

William Andrew Durnford Fasken, M.D.
Edward Lawrie.
Joseph Wilson, M.D.
Edward Mulvany.
John Manook Zorab.
Russick Lall Dutt, M.D.
Girdharlál Ratanlál Daphtary, M.D.
John Thomas Brownrigg Bookey.
Alexander McGregor.
James Young.
Joshua Duke.
Bankabehari Gupta.
John McConaghey, M.D.
Edward Palmer.
Alfred Henry Williams.
Robert Andrew King Holmes, M.D.
John Edward Charnock Ferris.

BOMBAY INFANTRY.

To be Colonel.

Lieutenant-Colonel and Brevet Colonel George Henry William Fagan. Dated 17th April, 1884.

PENSIONS.

No. 397.—First Class Assistant Apothecary James Lloyd is removed to the Pension establishment.

PROMOTIONS.

No. 398.—The following promotions are made, subject to Her Majesty's approval :—

BREVET.

To be Lieutenant-Colonel.

Major (now Lieutenant-Colonel) Willoughby Wallace Hooper, Madras General List, Cavalry, in succession to Colonel (borne as Major-General on the Indian gradation list) C. S. Elliot, Madras S. C., transferred to the unemployed supernumerary list. Dated 14th April, 1884.

To be Colonel.

Lieutenant-Colonel Francis Sawbridge Cherry, Madras Cavalry,—3rd May, 1884.

No. 399.—NATIVE ARMY—

4th Native Infantry.

Jemadar Gokul Singh to be Subadar;

Havildar Maharaj Singh to be Jemadar,—

with effect from 1st May, 1884, *vice* Subadar Shunker Singh, invalided.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 35.—In G. G. O. No. 42 of 1883, the date of seniority as commander of Captain B. P. Creagh should be *24th September 1880*, and that of Captain W. M. Edwards the *1st October 1880*, and not as therein stated.

COLORS.

No. 36.—It is notified for general information that the following instructions have been received from the Secretary of State for India on the subject of the distinguishing flags to be flown by vessels of the Indian Marine, and by vessels belonging to Local Maritime Governments and Port Trusts :—

I.—The vessels and boats of the Indian Marine shall fly the blue ensign of Her Majesty's fleet with the Star of India on the fly thereof. These vessels shall also wear the union flag of Great Britain and Ireland, with a border of blue of one-fifth the width of the flag, as a jack at the bowsprit end.

II.—Vessels and boats belonging to Local Maritime Governments, and the departments subordinate to them, shall fly the blue ensign of Her Majesty's fleet with the old device of the East India Company on the fly thereof, *viz.*, a lion *rampant regardant*, holding a crown, *or*.—These vessels and boats may also fly at the bow a triangular flag or pendant with the name of the department or duty on which they are employed inscribed thereon as a distinguishing mark.

III.—Vessels and boats belonging to Local Port Trusts shall fly the red ensign of Her Majesty's fleet, together with such distinguishing pendant or burgee at the bow as may be approved of for each Trust.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 7th July, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that a report of the death of the undermentioned Warrant Officer, on the date specified, was received in the Military Department between the 1st and the 7th July, 1884 :—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Sub Medical Department...	Honorary Surgeon James Hughes...	9th June, 1884...	Nowgong (Assam).	... ...	... ...

Statement of Deposits on account of Estates between the 1st and the 7th July, 1884.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
British Military Service.					Rs. A. P.		
Richard Jackson (*a*) ...	Surgeon-Major	Army Medical Department.	24th September, 1883.	No will left.	1,212 2 3	*Nil*	...
Indian Military Service.							
Charles Hyder Forster (*b*)	Major ...	General List, Infantry.	10th March, 1884.	Will left in favor of a former wife.	306 4 9	*Nil*	...

(*a*) *Next-of-kin.*—*Vide* Notification of the 12th May, 1884.
(*b*) *Widow.*—Ellen Murphy.
Children of first wife—
(1) Colin Angus.
(2) William Castlereagh.
(3) Hilda Ruth.
(4) Grace Maud.

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 8th July 1884.

No. 153.—Mr. A. Wilson, Deputy Examiner of Accounts, is permitted to return to duty in his substantive rank, and is posted to the Office of the Examiner, Guaranteed Railway Accounts, Calcutta.

No. 154.—Mr. H. Johnson, Executive Engineer, 1st Grade, Railway Branch, acted as Manager of the Punjab Northern State Railway from the afternoon of the 5th to the afternoon of the 23rd June 1884.

Mr. Johnson while so acting officiated in Class I, Grade 3, of the Superior Revenue Establishment of State Railways.

No. 155.—Mr. A. J. Hughes, Executive Engineer, 1st grade, Bengal, is appointed to officiate as Superintending Engineer, 3rd Class, during the absence of Mr. J. C. Vertannes, on privilege leave, or until further orders.

No. 156.—Mr. J. H. Murray, Traffic Candidate, is promoted to Class IV of the Superior Revenue Establishment of State Railways, Traffic Department, with effect from the 1st April 1884.

The 9th July 1884.

No. 157.—Mr. G. W. Winckler, Executive Engineer, 4th Grade, is transferred temporarily from Assam to State Railways, and his services placed at the disposal of the Director General of Railways.

This cancels that portion of Public Works Department Notification No. 143, dated 21st June 1884, which relates to the transfer of Mr. A. R. Lilley, Assistant Engineer, 1st Grade.

No. 158.—Mr. G. Winmill, Assistant Locomotive Superintendent in Class III of the State Railway Superior Revenue Establishment, is appointed to officiate in Class II of that establishment during the absence on privilege leave of Mr. E. W. M. Hughes, Locomotive Superintendent, Indus Valley and Sind-Pishin State Railway, or until further orders.

The 11th July 1884.

No. 159.—Lieutenant-Colonel H. Y. Murray, Executive Engineer, 1st Grade, Rajputana, is appointed to officiate as Superintending Engineer and Secretary to the Agent to the Governor General for Rajputana in the Public Works Department, with the temporary rank of Superintending Engineer, 3rd Class, during the absence of Lieutenant-Colonel J. P. Steel, R.E., or until further orders.

No. 160.—The first period of the contract with the Eastern Bengal Railway Company having lapsed, the State has assumed charge of the Railway from the morning of the 1st July 1884.

From the same date the Poradaha Branch of the Northern Bengal State Railway is permanently amalgamated with the Eastern Bengal State Railway, and the Calcutta and South-Eastern State Railway, including its Extension to Diamond Harbour, is also temporarily transferred from the control of the Government of Bengal to that of the Government of India. The above lines, which are placed under the charge of the Director General of Railways, will be worked as one Imperial system, under the name of "the Eastern Bengal State Railway," with head-quarters in Calcutta.

No. 161.—Subject to confirmation by Her Majesty's Secretary of State for India, the following appointments are made to the Eastern Bengal State Railway :—

To be Manager.

Major L. Conway-Gordon, R.E., Deputy Accountant General, Public Works Department.

To be Traffic Superintendent.

Mr. P. D. Barclay, Traffic Superintendent, Punjab Northern State Railway.

To be Locomotive Superintendent.

Mr. A. W. Rendell, Locomotive Superintendent, Bengal Provincial Railways.

To be Examiner of Accounts and Auditor.

Mr. F. P. Quinlan, Examiner of Accounts, Punjab Northern State Railway.

To be Superintendent of Way and Works.

Mr. W. Nicholson, from the Eastern Bengal Railway Company, *sub. pro tem.*

To be Storekeeper.

Mr. W. Mellor, Port Storekeeper, Calcutta, in addition to his present duties.

No. 162.—The Governor General in Council having been pleased to offer service to the employés, with certain specified exceptions, of the late Eastern Bengal Railway Company conditionally only for the period of the first six months, it is hereby notified that the staff so taken over become Government employés provisionally from the 1st July 1884 and subject to confirmation on the 1st January 1885. All the staff so taken over will be subject to the rules for leave, travelling allowance, overtime, &c., of the late Eastern Bengal Railway Company until the 31st December 1884, when the State Railway rules will be introduced in their entirety. To new appointments to the line after the 1st July 1884, the State Railway rules will apply. The winding up of the late Company's Provident Fund being obligatory, the State Railway Provident Institution rules will be introduced from the 1st July 1884.

No. 163.—During the absence on deputation of Major L. Conway-Gordon, Colonel R. de Bourbel, R.E., Consulting Engineer to the Government of India for Guaranteed Railways, Calcutta, will act temporarily as Manager, Eastern Bengal State Railway, in addition to his own duties.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

Nº 29.} SIMLA, SATURDAY, JULY 19, 1884.

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

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PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

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

Nothing for publication.

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

The Panjáb Courts Bill, 1884.
The Khojá Succession Bill, 1884.

SUPPLEMENT No. 29.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 17th July 1884.

No. 186.—Mr. H. L. Dampier, C.I.E., is permitted to resign the Bengal Civil Service, with effect from the afternoon of the 26th instant.

POLICE.

The 17th July 1884.

No. 220.—Mr. E. C. Gordon to be District Superintendent of Police, 5th Class, in the Central Provinces.

PORT BLAIR.

No. 485.—In exercise of the power conferred by Section 5 of Act XIV of 1874 (The Scheduled Districts Act), the Chief Commissioner of the Andaman and Nicobar Islands is pleased, with the previous sanction of the Governor General in Council, to extend Act X of 1879 (The Northern India Takávi Act) to the Chief Commissionership of the Andaman and Nicobar Islands.

FORESTS.

The 18th July 1884.

No. 516 *F.*—Consequent on the retirement from the service of Colonel C. Batchelor, Deputy Conservator of Forests of the 1st Grade in the Punjab, the following promotions are made in the Forest Department, with effect from the 10th June 1884:—

Mr. M. H. Ferrars, B.A., Deputy Conservator of the 2nd Grade in British Burma (on deputation to the Andamans) and Officiating in the 1st Grade of Deputy Conservators, is confirmed in the latter appointment.

Mr. E. P. Popert, Deputy Conservator of the 2nd Grade in British Burma, to officiate in the 1st Grade of Deputy Conservators until further orders.

Mr. R. J. P. Pinder, Sub-Assistant Conservator in Oudh and Officiating in the 3rd Grade of Assistant Conservators, is confirmed in the latter appointment.

Mr. J. E. Barrett, Sub-Assistant Conservator in the Punjab, is appointed to officiate as an Assistant Conservator of the 3rd Grade until further orders.

No. 519 *F.*—Mr. R. J. P. Pinder, Assistant Conservator of Forests of the 3rd Grade in Oudh, is transferred to the Punjab.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—EXHIBITIONS.

Simla, the 18th July 1884.

No. 741 *Ex.*—Dr. J. Anderson, Superintendent, Indian Museum, is allowed twenty days' extension of the furlough granted him in Notification No. 177, dated the 21st February last.

E. C. BUCK,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 17th July, 1884.

No. 1380 *G.*—With reference to the Notifications of the Government of India in the Foreign Department, Nos. 286 I. and 287 I., dated the 23rd January, 1884, the Governor-General in Council is pleased to appoint Lieutenant C. Herbert to be the Magistrate of Abu, *vice* Captain T. C. Pears.

No. 1382 *G.*—Lieutenant C. Herbert, Officiating Political Assistant of the 2nd Class and Magistrate of Abu, is appointed to be Assistant to the General Superintendent of Operations for the Suppression of Thagi and Dakaiti in Lower Rajputana, in addition to his other duties, with effect from the date of assuming charge.

MILITARY.

The 14th July, 1884.

No. 1355 *G.*—Ressaidar Bahawuldeen Khan, from the 11th (Prince of Wales's Own) Bengal Lancers, is appointed to be Ressaldar-Major of the 1st Regiment, Central India Horse, *vice* Isri Parshad, Sirdar Bahadur, invalided.

The 17th July, 1884.

No. 1373 *G.*—The following Station Order issued by the Officer Commanding at Erinpura, dated the 28th June, 1884, is confirmed:—

Lieutenant R. A. Cole, having rejoined from ninety days' privilege leave this day, will assume charge of the Station Staff Office from Captain F. G. Alexander this day forenoon.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 17th July 1884.

The following Addenda and Corrigenda to the Codes of the Financial Department are published for general information:—

No. 2234.

Codes of the Financial Department, Definition, Page VI.

Insert the following under Active service after the first Note on this page:—

"In the case of officers of the Telegraph Department appointed from the Royal Indian Engineering College at Coopers Hill from the years 1883 to 1885, both inclusive, active service includes also the whole period from date of appointment to the service to date of joining their appointments in India, provided they reach India within the period named in their letter of appointment; otherwise from date of arrival in India."

C. P. C.

PAGE 32.

Section 68 (d).

Substitute the following for the remarks opposite (*b*) under head "Service begins on date of":—

"Sailing of vessel selected by Secretary of State, or 1st October in the year of passing out of the College, whichever is named in his letter of appointment, provided he reaches India within two months of that date or other approximate date named in his letter of appointment; otherwise from date of arrival in India: except in the case of officers appointed from the years 1886 to 1885, both inclusive, whose service will reckon from date of appointment, *i.e.*, date of passing out of College, provided they arrive in India by the vessel in which they were ordered to embark, or within two months of the date on which such vessel was advertised to sail, or other approximate date named in their letter of appointment; otherwise from date of arrival in India."

No. 2271.—*Abstract of the accounts of the Department of Issue of Paper Currency on the 30th June 1884, published as required by Section 27 of the Indian Paper Currency Act XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta ...	6,47,84,005	1,71,81,294	62,10,441	2,33,91,735
Allahabad ...	70,95,450	61,43,150	...	61,43,150
Lahore ...	72,10,420	70,40,575	...	70,40,575
Bombay ...	3,92,20,385	1,06,87,592	33,19,373	2,36,06,965
Kurrachee ...	27,47,850	33,27,350	7,000	33,34,350
Madras ...	1,36,50,536	62,56,530	6,70,00	69,26,530
Calicut ...	12,00,355	7,37,265	...	7,37,265
Rangoon ...	24,54,267	62,75,725	...	62,75,725
Total ...	13,82,03,265	6,75,48,451	1,08,06,814	7,83,55,265
Deduct amount received at Bombay but not paid at Kurachee				92,000
				7,82,63,265
Price paid for Government securities of the nominal value of Rs. 6,25,21,700, held under Section 19 of the Act ...				6,00,00,000
GRAND TOTAL ...				13,82,63,265

The 18th July 1884.

No. 2254.

C. P. C.

PAGE 71.

Section 129, Rule 9.

Insert the following Note to this Rule:—

[NOTE.—Similarly when a gazetted officer is transferred to Foreign Service under the Rules in Chapter III of the Code, a copy of his service register will be sent by the Account Officer, whose duty it was to keep it, to the Account Officer who will account for the contribution, and the latter will return the register (or an extract from it), duly written up to date, when the officer is retransferred to British Service.]

No. 2260.

C. P. C.

CHAPTER III.

PAGE 10.

Section 11 (b).

Strike out the word "and" after "second" in the fourth line of this Section, and insert the words "and fourth" after "third" in the fifth line.

No. 2293.—Babu Rajani Nath Ray, Assistant Comptroller General in charge of the Outside Audit Department, having returned from privilege leave, resumed charge of his duties from Mr. T. H. Biggs before noon on the 5th July 1884.

No. 2314.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read—

Despatch from the Secretary of State, No. 13 P. W., dated 6th March 1884, stating that he is prepared to assent to a loan for the construction of the proposed docks at Calcutta being raised by the Calcutta Port Commissioners under a guarantee by Government.

Telegram to the Government of Bengal, dated 3rd July 1884, sanctioning the raising this year of a loan not exceeding fifty lakhs by the Calcutta Port Commissioners under the guarantee of the Government of India to meet the cost of constructing the new docks at Kidderpore.

Telegram from the Government of Bengal, dated 11th July 1884, enquiring whether the Government of India would issue a notification on the subject of the guarantee of the loan above referred to.

RESOLUTION.—The Governor General in Council hereby notifies that he has sanctioned the raising this year of a loan not to exceed fifty lakhs of rupees by the Commissioners for the making of improvements in the Port of Calcutta under a guarantee by the Government of India, the proceeds of the said loan to be devoted to meeting the cost of the proposed docks at Kidderpore.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 18th July, 1884.

APPOINTMENTS.

No. 400.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India:—

Lieutenant Charles Clements Reid, East Lancashire Regiment, Wing Officer, 4th Sikh Infantry,—17th May, 1883.

Lieutenant Turenne Jermyn, Royal Irish Regiment, Wing Officer, 2nd Sikh Infantry,—12th June, 1883.

Lieutenant Herbert Arrott Browning, East Lancashire Regiment, Officiating Wing Officer, 2nd Punjab Infantry,—21st June, 1883.

No. 401.—MEDICAL DEPARTMENT—

Deputy Surgeon-General G. M. Slaughter, Army Medical Department, is brought on the Administrative Medical Staff of the Army, *vice* Deputy Surgeon-General A. Guthrie, M.D., transferred to the Home Establishment. Dated 28th March, 1884.

No. 402.—COMMISSARIAT DEPARTMENT—

Lieutenant B. W. Cracroft, Sub-Assistant Commissary General, 2nd class, on probation, is confirmed in his appointment, with effect from the 25th June, 1883.

No. 403.—PUNJAB FRONTIER FORCE—

1st Punjab Cavalry.

Lieutenant G. B. Unwin, Officiating Squadron Officer, to be Squadron Officer, *vice* Lieutenant W. A. D. O'Mealy, seconded.

No. 404.—NATIVE ARMY—

15th Native Infantry.

The following direct appointment is made, with effect from date of joining:—

Futteh Ali Khan to be Jemadar, on probation, *vice* Jemadar Wazir Singh, promoted.

FURLOUGH AND LEAVE.

No. 405.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel H. Y. Murray, Cavalry, Executive Engineer, 1st grade, Rajputana, Public Works Department, (p. a.) for 273 days, under rule IX of the regulations of 1868.

No. 406.—Pensioned Conductor W. Carew, late of the Ordnance Department, was on leave in India (p. a.) from the 13th June, 1884, to the date of his retirement, under rule X of the regulations of 1875.

No. 407.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel and Brevet Colonel J. Johnstone, C.S.I., Infantry, (m. c.) for one month.
Major C. T. M. Higginson, General List, Cavalry, (m. c.) for three months.
Major C. S. Beauchamp, R.E., (m. c.) for one month.
Captain W. Aitken, R.A., (p. d.) for 45 days.
Lieutenant E. W. F. Martin, Bengal S. C., (m. c.) for six months.
Brigade-Surgeon J. C. Morice, (m. c.) for six months.
Surgeon-Major J. C. Whishaw, M.D., (m. c.) for 92 days.

LONDON GAZETTE.

No. 408.—The following extracts are published for general information:—

London Gazette, dated the 17th June, 1884, page 2645.

INDIA OFFICE;
17th June, 1884.

The Queen has approved of the admission of the undermentioned Surgeons to Her Majesty's Indian Medical Service:—

To be Surgeons.

Dated 29th September, 1883.

BENGAL.

James John Pratt.
Robert Shore, M.D.

The Queen has approved of the retirement from Her Majesty's Indian Military Forces of the undermentioned officers:—

Lieutenant-Colonel and Brevet Colonel Charles Henry Clay, of the Bombay Staff Corps. Dated 20th April, 1884.
Lieutenant-Colonel and Brevet Colonel Charles Jameson, of the Bombay Staff Corps. Dated 13th June, 1884.
Deputy Surgeon-General Richard Henry Perkins, of the Bengal Army. Dated 4th May, 1884.
Surgeon-Major Frederick William Alexander De Fabeck, of the Bengal Army. Dated 24th April, 1884.
Surgeon-Major Thomas Holmested, of the Bombay Army. Dated 7th April, 1884.

The Queen has approved of the resignation of the undermentioned officer:—

Lieutenant Godfrey Douglas Giles, of the Bombay Staff Corps. Dated 29th May, 1884.

BREVET.

The undermentioned officer is granted a step of honorary rank on retirement:—

To be Major-General.

Lieutenant-Colonel and Brevet Colonel Charles Henry Clay, of the Bombay Staff Corps. Dated 20th April, 1884.

NOTE.—The retirement from the Service and promotion to the honorary rank of Deputy Surgeon-General of Surgeon-Major Charles James Sylvester, M.D., of the Bombay Army, took effect from the 13th January, 1879, and not as stated in the *London Gazette* of the 18th March, 1879, and 1st June, 1880.

PROMOTIONS.

No. 409.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Major.

Captain Albert de Claney Rennick,—6th July, 1884.

To be Captain.

Lieutenant Harry John Bolton,—17th July, 1884.

No. 410.—ORDNANCE DEPARTMENT—

Sub-Conductor William Devine, on probation, is confirmed in his present grade, with effect from the 16th December, 1883.

No. 411.—PUBLIC WORKS DEPARTMENT—

Sergeant Thomas Chapman to be Sub-Conductor from the 1st July, 1882.

Sergeant Thomas Christie Bradley to be Sub-Conductor from the 16th September, 1882.

Sergeant Hugh Macartney to be Sub-Conductor from the 16th September, 1882.

Sergeant Robert Straughan to be Sub-Conductor from the 16th September, 1882.

Sergeant James Watson to be Sub-Conductor from the 16th September, 1882.

Sergeant Patrick Collins to be Sub-Conductor from the 16th September, 1882.

Sergeant Robert Read to be Sub-Conductor from the 16th September, 1882.

Sergeant John Joseph Young to be Sub-Conductor from the 1st December, 1882.

Sergeant John McMinn to be Sub-Conductor from the 10th January, 1883.

Sergeant Michael Heenan to be Sub-Conductor from the 26th January, 1883.

Sergeant John Power to be Sub-Conductor from the 31st March, 1883.

Sub-Conductor Thomas Gray to be Conductor;

Sergeant William Greaves, Barrack Department, to be Sub-Conductor, Supernumerary;

Sergeant Charles Ingram, Barrack Department, to be Sub-Conductor, Supernumerary;

Sergeant John Shaw to be Sub-Conductor,—
with effect from the 7th May, 1883, *vice* Conductor D. B. Imrie, deceased.

Deputy Assistant Commissary and Honorary Lieutenant James Fitzgibbon to be Assistant Commissary;

Conductor John Howlett Quilter to be Deputy Assistant Commissary;

Sub-Conductor James Edwards to be Conductor;

Sergeant Martin Larkin to be Sub-Conductor,—
with effect from the 14th June, 1883, *vice* Assistant Commissary and Honorary Lieutenant M. Moloney, retired.

Sergeant James Donovan to be Sub-Conductor, with effect from the 5th July, 1883, *vice* Sub-Conductor W. Beevers, retired.

Sub-Conductor Samuel Fraser to be Conductor;

Sergeant Robert Fryer to be Sub-Conductor,—
with effect from the 19th February, 1884, *vice* Conductor W. Ramsden, retired.

Sub-Conductor James Fairley, Assistant Master, Thomason Civil Engineering College, to be Conductor, Supernumerary;

Sub-Conductor John Holehouse, Barrack Department, to be Conductor, Supernumerary;

Sub-Conductor Hugh Cahil, Barrack Department, to be Conductor, Supernumerary;

Sub-Conductor Daniel Gunning to be Conductor;

Sergeant James Tuer to be Sub-Conductor,—
with effect from the 8th May, 1884, *vice* Conductor W. Hill, deceased.

Assistant Commissary and Honorary Lieutenant Andrew Forsyth to be Deputy Commissary;

Deputy Assistant Commissary and Honorary Lieutenant Nicholas Hutchinson, Barrack Department, to be Assistant Commissary, Supernumerary;

Deputy Assistant Commissary and Honorary Lieutenant Michael Shanahan, Accounts Branch, Public Works Department, to be Assistant Commissary, Supernumerary;

Deputy Assistant Commissary and Honorary Lieutenant James Grant, Sappers and Miners, to be Assistant Commissary, Supernumerary;

Deputy Assistant Commissary and Honorary Lieutenant Philip Justin Ryan to be Assistant Commissary;

Conductor Thomas Davies Bona, Superintendent, Thomason College Press, to be Deputy Assistant Commissary, Supernumerary;

Conductor Robert Chalmers to be Deputy Assistant Commissary;

Sub-Conductor Alfred Baker, attached to Bengal Public Works Department Secretariat, to be Conductor, Supernumerary;

Sub-Conductor William Grindall to be Conductor;

Sergeant George Kay to be Sub-Conductor,—
with effect from the 17th May, 1884, *vice* Deputy Commissary and Honorary Captain J. Keane, retired.

This cancels G. G. O. No. 133 of 1884 and those portions of G. G. Orders Nos. 580 of 1882 and 83, 138 and 284 of 1883 relating to the Warrant Officers and Sergeants named above.

No. 412.—SUBORDINATE MEDICAL DEPARTMENT—

First Class Assistant Apothecary George Wilson to be 2nd Class Apothecary from the 5th February, 1884, *vice* 1st Class Apothecary J. Hogan, pensioned.

First Class Assistant Apothecary William Archibald Weston to be 2nd Class Apothecary from the 25th February, 1884, *vice* 1st Class Apothecary C. Atkins, seconded.

Passed Hospital Apprentice Alfred Albert Allison to be 2nd Class Assistant Apothecary from the 5th February, 1884, *vice* 1st Class Assistant Apothecary G. Wilson, promoted.

No. 413.—VOLUNTEER CORPS—

East Indian Railway Volunteer Rifle Corps.

Major N. St. L. Carter to be Lieutenant-Colonel.
Captain C. H. Denham to be Major, *vice* Carter, promoted.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 14th July, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that a report of the death of the undermentioned Warrant Officer, on the date specified, was received in the Military Department between the 8th and the 14th July, 1884:—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Commissariat Department ...	Conductor E. B. Prince ...	30th June, 1884	Campbellpore	...	...

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 15th July 1884.

No. 164.—The following reversions are made in the Superior Accounts Establishment, with effect from the 30th June 1884:—

Name.	From	To
Mr. H. Stuart ...	Examiner, 4th Class, 2nd Grade, sub. *pro tem.*	Examiner, 4th Class, 3rd Grade, permanent.
Lieutenant C. R. Hoskyn, R.E. ...	Examiner, 4th Class, 3rd Grade, sub. *pro tem.*	Examiner, 4th Class, 3rd Grade, *temporary rank.*
Mr. W. B. Gray ...	Examiner, 4th Class, 3rd Grade, *temporary rank, supernumerary.*	Deputy Examiner, 1st Grade, sub. *pro tem., supernumerary.*
Mr. S. G. Wood ...	Examiner, 4th Class, 3rd Grade, *temporary rank*	Deputy Examiner, 1st Grade, sub. *pro tem.*

The 18th July 1884.

No. 165.—The services of Major-General J. G. Medley, R.E., Chief Engineer, Class I, and Consulting Engineer to the Government of India for Guaranteed Railways, are placed at the disposal of the Government of India in the Military Department, with effect from the 20th instant.

No. 166.—Mr. F. L. O'Callaghan, C.I.E., Superintending Engineer, Class II, Railway Branch, has been granted by Her Majesty's Secretary of State for India leave for two months, in extension of the furlough granted him in Public Works Department Notification No. 124, dated 10th May 1883.

No. 167.—Mr. F. P. Quinlan, Examiner of Accounts, Eastern Bengal State Railway, is appointed to officiate as Examiner of Guaranteed Railway Accounts, Calcutta, in addition to his own duties during the absence of Captain C. H. P. Christie, R.E., or until further orders.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India

EXTRAORDINARY.

Published by Authority.

SIMLA, WEDNESDAY, JULY 23, 1884.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATION.

No. 2383.

Simla, the 23rd July 1884.

With reference to Notification by the Government of India in the Financial Department, No. 1418 of 16th March 1883, notifying that as soon as the outturn of the year's crop is known, the Government of India will publicly announce the total number of chests of Bengal Opium to be sold during the succeeding calendar year; and to the last paragraph of Notification by the Government of India in the same Department, No. 1763 of 30th June 1883, notifying that the relative quantities of Patna and Benares Opium to be sold in each month will be announced at the same time as the total quantity to be sold during the year is announced, it is hereby notified—

(1) that in the calendar year 1885, 49,992 chests of Bengal Opium will be offered for sale, or 4,166 in each month of the year; and

(2) that of the 4,166 chests to be offered for sale each month, 2,000 chests will consist of Patna and 2,166 chests of Benares Opium.

By order of the Governor General in Council,

D. M. BARBOUR,
Secretary to the Government of India.

Printed and Published for the GOVERNMENT OF INDIA *at the* GOVERNMENT CENTRAL BRANCH PRESS, *Simla.*

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 30.] SIMLA, SATURDAY, JULY 26, 1884.

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

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PART III.—Advertisements and Notices by private individuals and Corporations.

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The Agriculturists' Loans Act, 1884.

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

The Khojá Succession Bill, 1884.
Report of Select Committee on Agriculturists' Loans Bill, 1884.

SUPPLEMENT No. 30.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 19th July 1884.

No. 1155.—In modification of Home Department Notification No. 643, dated the 6th April 1876, the following are declared to be the boundaries of the district of Thôngwa in the Irrawaddy division of British Burma, and are published for general information:—

North.—The southern border of the Zalun township in the Henzada district.

East.—The western border of the circle of Apyauk in the Henzada district and of the circles of Aingkalaung, Bawlé, Tantabin, Kyunu, Panhlaing, Tunte, Eindapura, Lawadi, Tanmanaing, and Môkkyun in the Hanthawaddy district.

South.—The Bay of Bengal.

West.—The Pyinsalu mouth of the Pyamalaw river, northwards along the Pyamalaw to the Zalétawaukpauk, the Zalétaw, the Thegôn, the Tawpadáik, the Yegu, the Wawmi, the Thayagan, the Yôungu, the Kawthalin (as far as Danaw), the Bawzôkgale, the Mèzali, the Pankpadan (to its junction with the Tawtalu below Kyônkani), the Tawtalu river, the Ingala river, the Natchaung creek, the Pyinkobin creek (to the point where it joins the Didôk creek); from this point the Thabye creek, the Shagègyi-in, the Kyat creek, the Zibauk creek, the Pyasa creek, and from the extremity of the Pyasa creek along the demarcated line forming the boundary between the Thabyengu and Kwinma Kwins to the Ataungmyogôn road; thence along the road to the point where it crosses the Myagôn moat, and from this point along the Myagôn moat to its junction with the Aing stream.

ESTABLISHMENTS.

The 24th July 1884.

No. 192.—The services of Mr. F. C. Gates, C.S., are placed at the disposal of the Chief Commissioner of British Burma.

MEDICAL.

The 25th July 1884.

No. 312.—*Appointment.*—Brigade Surgeon A. M. Dallas is appointed to officiate as Surgeon-General, Punjab, during the absence on privilege leave of Surgeon-General B. Simpson, M.D., or until further orders.

ECCLESIASTICAL.

The 23rd July 1884.

No. 133.—The Reverend A. S. Dyer, M.A., a Junior Chaplain on the Bengal Ecclesiastical Establishment, reported his arrival in Calcutta on the afternoon of the 6th instant.

Mr. Dyer's services are placed at the disposal of the Government of Bengal.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—POLITICAL.

Simla, the 21st July, 1884.

No. 1397 *G.*—With reference to Foreign Department Notification, No. 779 G., dated the 17th April, 1884, the recognition of the appointment by the Government of India of Mr. Cowasji Dinshaw as Acting Consul for Portugal and Acting Vice-Consul for Spain, at Aden, has been confirmed by Her Majesty's Government.

The 22nd July, 1884.

No. 1403 *G.*—With the sanction of Her Majesty's Government, the Governor General in Council is pleased to recognise the appointment of Mr. A. Mackenzie as Consul for Sweden and Norway, at Madras.

No. 1409 *G.*—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. C. W. Simson as Consular Agent for the Austro-Hungarian Empire, at Coconada.

No. 1412 *G.*—With reference to Foreign Department Notification, No. 799G., dated the 21st April, 1884, the recognition of the appointment by the Government of India of Mr. F. W. Abel as Acting Consul for the German Empire, at Rangoon, has been confirmed by Her Majesty's Government.

GENERAL.

The 24th July, 1884.

No. 1438 *G.*—The services of Major W. S. Peat, Squadron Commander, 1st Bombay Lancers, are replaced at the disposal of the Military Department, with effect from the date on which he was relieved of the duties of 2nd Assistant to the Governor-General's Agent at Baroda.

MILITARY.

The 23rd July, 1884.

No. 1417 *G.*—The following General Order issued by the Resident at Hyderabad, No. 172, dated the 30th June, 1884, is confirmed:—

With reference to R. G. O. No. 244, dated 23rd October, 1883, directing Captain R. A. Gilchrist to perform the duties of Military Secretary to the Resident, during the absence of Colonel Hastings Fraser proceeding on privilege leave, the following appointment is made, subject to the confirmation of the Government of India—

Captain R. A. Gilchrist, Squadron Officer, 1st Cavalry, Hyderabad Contingent, to officiate as Military Secretary to the Resident at Hyderabad, from the 23rd December, 1883, to the 5th January, 1884, the period Colonel Hastings Fraser overstayed his privilege leave.

JUDICIAL.

The 22nd July, 1884.

No. 2788 *I.*—The Governor-General in Council is pleased to extend Act XI of 1881 (The Municipal Taxation Act) to the Civil and Military Station of Bangalore, subject to the following modifications, namely:—

I.—For the word "Committee" wherever it occurs, the word "Commissioners" shall be substituted.

II.—For the second paragraph of section 1, the words "It extends to the Civil and Military Station of Bangalore" shall be substituted.

III.—For Section 2 the following section shall be substituted:—

"2. In this Act 'Municipal Commissioners' means the persons for the time being appointed by the Resident in Mysore to conduct the affairs of the Municipality of the Civil and Military Station of Bangalore."

IV.—In the first paragraph of Section 3, for the word "a" before the word "Municipal" the word "the"; and in clause (*a*) of the same section, for the words "a Municipality" the words "the Civil and Military Station of Bangalore" shall be respectively substituted.

V.—In Section 4, the words "mentioned in the order" shall be omitted.

VI.—In Section 5, for the words "Local Government" the words "Governor-General in Council" shall be substituted.

VII.—In Section 6, for the words "a Municipality" the words "the Civil and Military Station of Bangalore" shall be substituted.

No. 2789 *I.*—In exercise of the powers conferred by Section 3 of Act XI of 1881 (The Municipal Taxation Act), the Governor-General in Council is pleased to prohibit the levy by the Commissioners of the Municipality of the Civil and Military Station of Bangalore upon the persons described below of the tax upon arts, professions and trades or callings:—

Persons exempted—

All persons exclusively in military employ, or belonging to any department directly attached to the Army or to the Public Works Department, Military Branch, being persons subject to the Army Act, 1881, or the Indian Articles of War, and compelled by the exigencies of military duty to reside within the limits of the Municipality of the Civil and Military Station of Bangalore.

The 24th July, 1884.

No. 2816 *I.*—In exercise of the powers conferred by Sections 8 and 9 respectively of the Indian Christian Marriage Act XV of 1872, the Governor-General in Council is pleased—

(*a*) to appoint the Reverend A. A. Newhall, of the American Baptist Telugu Mission at Hanamaconda, to be a Marriage Registrar in respect of all places within the territories of His Highness the Nizam of Hyderabad; and

(*b*) to license the said Reverend A. A. Newhall to grant certificates of marriage between Native Christians within the said territories.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 22nd July 1884.

No. 2357.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

June 1884. **(Lakhs of Rupees.)**

[For the explanation of these heads, see *Gazette of India*, dated 22nd December 1883, Part I, page 497.]	In June.		To end of June.		Whole year.	
	1884-85.	1883-84.	1884-85.	1883-84.	Budget, 1884-85.	Actuals (Preliminary), 1883-84.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation) ...	2,28	2,46	6,14	6,29	22,40	22,74
Opium ...	71	84	2,10	2,33	8,59	9,56
Salt ...	54	53	1,77	1,62	6,33	6,14
Stamps ...	32	31	93	90	3,53	3,50
Excise ...	35	32	1,01	95	3,80	3,83
Provincial Rates ...	30	33	81	85	2,74	2,81
Customs ...	6	8	27	35	1,29	1,19
Assessed Taxes ...	12	11	29	28	52	52
Forest (Madras and Bombay only) ...	2	2	6	6	38	34
Registration ...	3	3	8	8	26	26
Tributes from Native States ...	2	4	11	12	70	72
Other Civil Revenue ...	29	22	76	69	3,00	3,05
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS ...	5,04	5,29	14,33	14,52	53,54	54,66
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works ...	— 12	— 13	— 95	— 92	— 3,80	— 3,74
Opium ...	— 15	— 18	— 1,92	— 96	— 2,35	— 1,86
Exchange on transactions with London ...	— 18	— 32	— 82	— 1,09	— 3,72	— 3,93
Other Civil Expenditure ...	— 1,43	— 1,52	— 4,73	— 4,67	— 21,08	— 19,73
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS ...	— 1,88	— 2,15	— 8,42	— 7,64	— 30,95	— 29,26
Extraordinary Receipts ...	...	...	...	...	...	...
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts more, —Receipts less than issues) ...	+ 7	+ 4	+ 17	+ 12	+ 47	+ 44
Forest, Telegraph, Marine (Net as above) ...	— 2	...	— 6	— 5	— 10	— 8
Guaranteed and Subsidised Railways (Net as above)	+ 45	+ 48	+ 1,52	+ 1,70	+ 4,65	+ 4,16
Do. Repayment of Surplus profits, &c. ...	— 1	...	— 2	— 9	— 45	
Military Receipts ...	+ 3	+ 6	+ 13	+ 18	+ 88	+ 83
Military Issues ...	— 95	— 94	— 2,95	— 2,91	— 11,88	— 11,66
Public Works Department—						
State Railways Receipts ...	+ 19	+ 20	+ 74	+ 64	— 2,09	+ 2,42
" " Issues ...	— 43	— 40	— 1,36	— 1,11		— 4,53
East Indian Railway Receipts ...	+ 32	+ 45	+ 1,08	+ 1,31	+ 2,45	+ 4,54
" " " Issues ...	— 24	— 13	— 43	— 47		— 1,62
Ordinary Branches Receipts ...	+ 17	+ 20	+ 35	+ 39	— 4,96	+ 1,90
" " Issues ...	— 52	— 55	— 1,74	— 1,80		— 7,31
TOTAL NON-CIVIL DEPARTMENTS ...	— 93	— 89	— 2,57	— 2,09	— 11,03	— 10,91
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more, —Receipts less than payments) ...	...	...	...	+ 1	+ 2,50	+ 2,50
Mint Certificates and Bullion Advances (Net as above) ...	+ 8	...	+ 14	+ 22	+ 3	+ 33
Council Bills paid (including Telegraphic) at Rs. 10 per £ ...	— 77	— 1,73	— 3,90	— 6,05	— 16,50	— 18,84
Other Debt heads (Net as above) ...	+ 4	+ 38	+ 33	+ 30	+ 98	— 10
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 65	— 1,35	— 3,43	— 5,52	— 12,99	— 16,11
GRAND TOTAL RECEIPTS AND ISSUES	+ 1,57	+ 1,20	— 9	— 73	— 1,43	— 1,62
Opening Cash Balance in Treasuries and Presidency Banks ...	11,54	12,89	13,20	14,82	12,44	14,82
Closing Cash Balance in Treasuries and Presidency Banks ...	13,11	14,09	13,11	14,09	11,01	13,20

The 23rd July 1884.

No. 2383.—With reference to Notification by the Government of India in the Financial Department, No. 1418 of 16th March 1883, notifying that as soon as the outturn of the year's crop is known, the Government of India will publicly announce the total number of chests of Bengal Opium to be sold during the succeeding calendar year; and to the last paragraph of Notification by the Government of India in the same Department, No. 1763 of 30th June 1883, notifying that the relative quantities of Patna and Benares Opium to be sold in each month will be announced at the same time as the total quantity to be sold during the year is announced, it is hereby notified—

(1) that in the calendar year 1885, 49,992 chests of Bengal Opium will be offered for sale, or 4,166 in each month of the year; and

(2) that of the 4,166 chests to be offered for sale each month, 2,000 chests will consist of Patna and 2,166 chests of Benares Opium.

The 24th July 1884.

No. 2412.—Mr. T. H. Biggs having been appointed to officiate as Deputy Accountant General, Bengal, received charge of that appointment from Mr. J. E. Cooke after noon on the 16th July 1884.

The 25th July 1884.

The following Addendum to the Codes of the Financial Department is published for general information:—

No. 2429.

C. L. C.

PAGE 168.

Section 70.

Add the following to the last sentence of Clause (e) of this Section:—

"and if no leave is admissible,—subsistence allowance only."

No. 2450.—Mr. R. C. Chapman, Assistant Accountant General, Madras, having returned from privilege leave resumed charge of the office of Inspector of Local Fund Accounts, Madras, from Mr. H. S. Groves before noon on the 16th July 1884.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 25th July, 1884.

APPOINTMENTS.

No. 414.—MEDICAL DEPARTMENT—

The temporary rank of Deputy Surgeon-General is granted to Brigade-Surgeon J. Inkson, M.D., Army Medical Department, from the 18th March to the 3rd May, 1884, during which time he officiated on the Administrative Staff, *vice* Deputy Surgeon-General J. E. Tuson.

No. 415.—ORDNANCE DEPARTMENT—

Lieutenant C. E. Jervois, R.A., to officiate as Commissary of Ordnance, 4th Class, with effect from the 12th July, 1884.

FURLOUGH AND LEAVE.

No. 416.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Surgeon-Major E. C. Bensley, (m. c.) for one year,—344 days under rules IX and XV, and the remaining period under rule XIV, clause 2, of the regulations of 1868.

No. 417.—Conductor H. Harwood, Ordnance Department, is granted leave in India (p. a.) from the 12th January, 1884, to the date of his transfer to the Pension establishment, under the regulations of 1868.

LONDON GAZETTE.

No. 418.—The following extract is published for general information:—

London Gazette, dated the 20th June, 1884, page 2684.

WAR OFFICE;
Pall Mall, 20th June, 1884.

MEMORANDA.

The undermentioned Lieutenant-Colonels to be Colonels:—

Frederick Macdonald Birch, Bengal Staff Corps. Dated 4th April, 1884.

George Ward Chicheley Plowden, Bengal Staff Corps. Dated 4th April, 1884.

Thomas Caddell, V.C., Bengal Staff Corps. Dated 17th April, 1884.

PROMOTIONS.

No. 419.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major Charles Kenneth Mackinnon,—20th July, 1884.

To be Captain.

Lieutenant Harry Heptinstall Rose Heath,—24th July, 1884.

BREVET.

To be Colonels.

Lieutenant-Colonel Richard Carruthers Budd, Madras S. C.,—20th July, 1884.

Lieutenant-Colonel Arthur Haldimand Prinsep, Bengal Cavalry,—21st July, 1884.

No. 420.—NATIVE ARMY—

43rd Native Infantry.

Jemadar Bindraband Tewary to be Subadar; Hayildar Birdhoze Rai to be Jemadar,—

with effect from 1st May, 1884, *vice* Subadar Bhandaroo, invalided.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 21st July, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that a report of the death of the undermentioned Commissioned Officer, on the date specified, was received in the Military Department between the 15th and the 21st July, 1884:—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Royal Engineers ...	Major R. P. Tickell ...	10th July, 1884	Jhansi ...	...	...

Statement of Deposits on account of Estates between the 15th and the 21st July, 1884.

On whose account.	Rank.	Corps.	Date of Decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Indian Military Service.							
Alexander Baber Douglas. (a)	Major ...	Bengal Staff Corps.	27th February, 1884.	Intestate	34 10 0	...	...
George Trenchard Pickard-Cambridge. (b)	Lieutenant ...	Ditto	26th December, 1883.	Ditto	109 10 11	...	20th September, 1884.

(a) *Next-of-kin*—Mrs. G. Logan, care of Captain A. Logan, 76th Foot. Administrator General, Bengal, administering.

(b) *Next-of-kin—Father.*—Reverend E. Pickard-Cambridge, Rector, Warmwell Rectory, Dorchester.

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 19th July 1884.

No. 168.—Lieutenant-Colonel G. S. Hills, R.E., Executive Engineer, 1st Grade, is appointed to officiate as Engineer-in-Chief of the Benares-Cuttack Railway Surveys, with the rank of Superintending Engineer, 3rd Class, during the absence of Mr. W. H. Parker, on privilege leave, or until further orders.

The 22nd July 1884.

No. 169.—The services of Mr. H. B. Molesworth, Executive Engineer, 4th Grade, Railway Branch, are placed at the disposal of His Highness the Nizam's Guaranteed State Railways Company, Limited, for one year, with effect from the 20th March 1884.

No. 170.—The Governor General in Council is pleased to order the following promotions in the Engineer Establishment of the several Local Administrations, with effect from the dates specified:—

Names.	Present grade.	Grade to which promoted.	With effect from	Nature of promotion.
Lilley, A. R. ...	Asst. Engr., 1st Grade ...	Exe. Engr., 4th Grade	28th March 1884.	Temporary.
Coode, M. P. ...	" " 1st " ...	" " 4th "	6th May 1884	"
Scott, F. W. M. ...	" " 1st Grade, sub. *pro tem.*	Asst. " 1st "	16th May 1884	Permanent.
Henderson, J. P. ...	" " 2nd Grade ...	" " 1st "	"	Sub. *pro tem.*

The 24th July 1884.

No. 171.—With reference to Foreign Department Notification No. 2406I., dated 25th June 1884, the services of Captain M. C. Brackenbury, R.E., Executive Engineer, 2nd Grade, Railway Branch, are, on his return from three months' special leave granted him in Public Works Department Notification No. 152, dated 4th July 1884, replaced at the disposal of the Director General of Railways.

The 25th July 1884.

No. 172.—Major G. T. Skipwith, R.E., Executive Engineer, 1st Grade, North-Western Provinces and Oudh, is appointed to officiate as Superintending Engineer, 3rd Class, during the absence of Major F. J. Home, R.E., on privilege leave, or until further orders.

No. 173.—Captain R. O. Lloyd, R.E., Executive Engineer, 3rd Grade, British Burma, is transferred to Assam.

No. 174.

RESOLUTION—By the Government of India, Public Works Department.

Read—

Letter No. 368 C.G., dated 24th March 1884, from Major L. Conway-Gordon, R.E., on special duty, submitting a completed copy of Volume VI, "Table of Salaries" of the Public Works Department Code, and bringing to notice the valuable services of Mr. E. T. Anthony, Honorary Assistant Examiner, in connection therewith.

OBSERVATIONS.—To avoid the trouble and mistakes involved in constantly having to calculate the amounts due to officers on account of salaries for broken periods of months, a book of tables has been prepared showing the authorised amounts to the nearest ¼ anna due for any broken period, and this will now be issued to the Department as Volume VI of the Public Works Department Code.

The tables contained in this volume show not only the exact amount of salary admissible to every officer and subordinate of the Department, whatever may be his departmental and military position, but also the amount that may be passed to him for any broken period of the month.

Copies of this volume will be furnished to all offices under the rules laid down in Chapter IV, paragraph 47, of Volume I of the Public Works Code of the Department, and it is hereby directed that the amounts entered in the tables given in the volume may be considered as authoritative, and may be made use of on all occasions in the preparation of salary bills, last-pay certificates, &c.

The rates of military pay of non-commissioned officers and soldiers are not now permanent, as they are under recent orders to be converted into Indian money at the rate of exchange fixed annually by Her Majesty's Government for payment of troops serving in the Colonies, and therefore it will probably be necessary to omit these rates from future editions of this volume.

The Governor General in Council desires to acknowledge the services of Mr. Anthony, brought to the notice of the Government of India by Major Conway-Gordon.

ORDER.—Ordered, that this Resolution be published in the *Gazette of India* and in all local Gazettes.

No. 175.—Messrs. Thomas George Acres and Alfred Bates Prussia are appointed to the Superior State Railway Revenue Establishment as candidates in the Traffic Department, and their services are placed at the disposal of the Director General of Railways.

W. S. TREVOR, *Colonel, R.E.*,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

Nº 31.} SIMLA, SATURDAY, AUGUST 2, 1884.

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

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PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

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The Agriculturists' Loans Act, 1884.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22:—
Report of Select Committee on Agriculturists' Loans Bill, 1884.

SUPPLEMENT No. 31.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 1st August 1884.

No. 1196.—So much of Home Department Notification No. 136, dated the 28th January 1884 (declaring the deep stream of the Jumna river to be the boundary between certain districts of the North-Western Provinces and the Punjab), as is given below is cancelled:—

"(1) Umballa and Dehra Dún."

POLICE.

The 1st August 1884.

No. 940.—The services of Mr. G. B. Havelock, [illegible] District Police of Lakhimpore, are placed at the disposal of the Chief Commissioner of Assam.

PATENTS.

The 28th July 1884.

No. 794.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

No. 131 of 1883.—Charles James Pownall, of Wellington, New Zealand, for mechanical improvements in the treatment of vegetable fibres for the purpose of removing from them their gummy and resinous, woody, or other deleterious agents, so as to render the said fibres fit for manufacturing purposes.

No. 208 of 1883.—John Palmer, of Blackfriars Road, in the County of Surrey, England, for an improved process for removing the hair or wool from the skins or hides of animals, and also for cleansing, softening, swelling, and preparing the same for subsequent treatment in the production of leather.

No. 31 of 1884.—James Peter, of the Mertinga Tea Estate, Shamshernugger, in the District of Sylhet, Tea Planter, for improvements in the method of firing tea by means of brick choolas which he proposes to call the Simoom Tea Dryer.

No. 32 of 1884.—William Phillips, of the Pension (Military) Establishment, and resident of Faizabad in the Province of Oudh, for an improved method for cooling dwellings in India, and which is applicable for passenger-ships and for camp use for a like purpose, and is called Phillips' "refrigeranteur."

No. 35 of 1884.—James Scott, Tea Planter and Engineer, Rajmai Tea Estate, Upper Assam, India, for a new and improved method of drying tea and apparatus therefor.

No. 63 of 1884.—Matthew Stevens, of Lindo Villa, Lansdown Bath, in the County of Somerset, England, and Frederick William Stevens, Associate Member of the Institution of Civil Engineers, Fellow of the Royal Institute of British Architects, Executive Engineer of the Public Works Department, Bombay, India, on special duty, Great Indian Peninsula Railway, for improvements in securing railway rails to chairs and connecting railway rails.

No. 65 of 1884.—William Jackson, Engineer, 23, Beechgroove Terrace, Aberdeen, Scotland, for improvements in apparatus for rolling tea leaf.

No. 66 of 1884.—Temuljee Dhunjeebhoy, Manager, Prince of Wales. Spinning and Weaving Company, Limited, Parsee inhabitant of Bombay, for a pedal break for ordinary carts.

No. 72 of 1884.—The United States Cotton Seed Cleaning Company, doing business in the City, County, and State of New York, one of the United States of America, for treatment of cotton seed.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 28th July, 1884.

No. 1456 *G.*—The following reversions and postings will take place consequent on the return from privilege leave of Mr. J. G. Cordery, Resident of the 1st Class, and Resident at Hyderabad :—

Colonel Sir O. St. John, K.C.S.I., Officiating Resident of the 1st Class, and Officiating Resident at Hyderabad, reverts to his substantive appointment of Resident of the 2nd Class. Colonel Sir O. St. John is posted as Officer on Special Duty in Kashmir.

Colonel J. C. Berkeley, Officiating Resident of the 2nd Class, and Officiating Officer on Special Duty in Kashmir, is posted as Officiating Resident at Gwalior.

The 30th July, 1884.

No. 1478 *G.*—Colonel W. Tweedie, C.S.I., Political Agent of the 1st Class, is granted six months' furlough in India, with effect from the date on which he may avail himself of the same, under rule IX of the regulations of 1868.

The 31st July, 1884.

No. 1487 *G.*—The services of Surgeon R. J. Baker, M.B., Staff Surgeon, Quetta, are replaced at the disposal of the Military Department, with effect from the 16th July, 1884, the date on which he was relieved of the medical charge of the Biluchistan Agency by Surgeon J. C. Fullerton.

JUDICIAL.

The 28th July, 1884.

No. 2873 *I.*—Foreign Department Notification, No. 3463 I., dated the 15th November, 1883, appointing the Reverend G. Hiram Greenig, a Missionary of the Methodist Episcopal Church, to be a Marriage Registrar in respect of all places within the territories of Mysore, is hereby cancelled.

The 31st July, 1884.

No. 2904 *I.*—In continuation of the Notification of the Government of India in the Foreign Department, No. 108 I. J., dated the 18th May, 1881, the Governor-General in Council is pleased to extend to the lands occupied by the Bhavnagar-Gondal Railway the provisions of Section 26 of the Bombay Act VII of 1867 (Bombay District Police Act, 1867).

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

The following Addendum and Corrigendum to the Codes of the Financial Department are published for general information :—

Simla, the 29th July 1884.

No. 2480.

P. & A. A. C.

PAGE 281.

Section 36 (b).

Insert the following words after "Department" *in the 6th line of this Section :*—

"And except Superintendents in the Telegraph Department."

The 30th July 1884.

No. 2488.

C. P. C.

PAGE 44.

Section 94, Rule 1.

Insert the following in the proper place in the list under this Rule :—

"Artificers in the Mathematical Instrument Department of the Office of the Surveyor General, India."

The 31st July 1884.

No. 2539.—Mr. R. E. Hamilton, having returned from privilege leave, resumed charge of his duties as Comptroller, Central Provinces, from Mr. C. E. Crawley after noon on the 23rd July 1884.

The 1st August 1884.

No. 2559.—In exercise of the power conferred by Section 18 of the Sea Customs Act VIII of 1878 and in supersession of so much of Notification No. 1180, dated the 26th June 1866, as relates to the Port of Cambay, the Governor General in Council is pleased to direct that all goods imported from, or exported to, the said port into or from any Customs-port in British India shall be treated, as regards the levy of customs duties and the payment of drawbacks under the said Act, as goods imported from, or exported to, a Customs-port, as the case may be.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 1st August, 1884.

APPOINTMENTS.

No. 421.—STAFF CORPS—

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

Lieutenant Edward Grey, Suffolk Regiment, Wing Officer, 38th Native Infantry,—21st June, 1883.

No. 422.—HYDERABAD CONTINGENT—

1st Cavalry.

Lieutenant F. Oswald, Officiating Squadron Officer, to be Squadron Officer, with effect from the 1st April, 1884, *vice* Captain R. A. Gilchrist, promoted.

ESTABLISHMENTS.

No. 423.—WARRANT OFFICERS—

His Excellency the Governor General in Council is pleased to fix the following as the scale of establishment of Warrant Officers for the Public Works Department under the Government of India, with effect from the 12th June, 1884 :—

Deputy Commissaries	... 2
Assistant ditto	... 2
Deputy Assistant Commissaries	... 4
Conductors	... 19
Sub-Conductors	... 32

The excess of one officer which the introduction of this scale will cause in each of the ranks of Deputy Commissary and Assistant Commissary will be absorbed by making no promotion for the second vacancy that may occur.

FURLOUGH AND LEAVE.

No. 424.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Major T. O. Wingate, Bengal S. C., (p. a.) for three months.

Captain H. FitzG. Stevens, Bengal S. C., (m. c.) for 60 days.

Surgeon-Major R. C. Chandra, (p. a.) for 165 days.

Surgeon G. A. Dundas, (p. a.) for 35 days.

LONDON GAZETTE.

No. 425.—The following extracts are published for general information :—

London Gazette, dated the 27th June, 1884, page 2797.

WAR OFFICE;
Pall Mall, 27th June, 1884.

MEMORANDA.

* * * *

Deputy Commissary and Honorary Captain Charles Owens, Bengal Establishment, to have the honorary rank of Major on retirement. Dated 26th February, 1884.

London Gazette, dated the 1st July, 1884, page 3011.

WAR OFFICE;
Pall Mall, 1st July, 1884.

MEMORANDA.

Indian Local Service.

Lieutenant-General Sir John Forbes, K.C.B., Bombay Cavalry, has been transferred to the unemployed supernumerary list. Dated 10th June, 1884.

Colonel Horace Albert Browne, Bengal Infantry, to be Major-General. Dated 10th June, 1884.

Major-General Horace Albert Browne, Bengal Infantry, has been transferred to the unemployed supernumerary list. Dated 10th June, 1884.

PROMOTIONS.

No. 426.—The following promotion is made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major William Brereton Birch,—30th July, 1884.

No. 427.—COLONEL'S ALLOWANCE—

Major-General Allen Bayard Johnson, C.B., Bengal S. C., is admitted to the Colonel's allowance,—27th July, 1884.

No. 428.—ORDNANCE DEPARTMENT—

Sub-Conductor John Penfold, Overseer, Small Arm Ammunition Factory, Dum Dum, to be Conductor (seconded);

Sub-Conductor Alfred Suggate, Overseer, Foundry and Shell Factory, Cossipore, to be Conductor (seconded);

Sub-Conductor (Officiating Conductor) John Bennie to be Conductor;

Store-Sergeant Richard James Brown to be Sub-Conductor, on probation,—

with effect from the 16th April, 1884, *vice* Conductor A. Anderson, pensioned.

Assistant Commissary and Honorary Lieutenant William Jack, Overseer, Foundry and Shell Factory, Cossipore, to be Deputy Commissary (seconded);

Assistant Commissary and Honorary Lieutenant James Loughlin to be Deputy Commissary;

Deputy Assistant Commissary and Honorary Lieutenant James Bennett Reilly to be Assistant Commissary;

Conductor John Key (seconded) to be Deputy Assistant Commissary,—

with effect from the 12th June, 1884, *vice* Deputy Commissary and Honorary Captain R. Monks, retired.

PENSIONS.

No. 429.—The undermentioned Warrant Officers are transferred to the Pension establishment :—

Assistant Commissary and Honorary Lieutenant John Glen, Ordnance Department,—19th July, 1884.

Conductor Mervyn Gerard, Ordnance Department.

RETIREMENTS.

No. 430.—Major A. G. Hartshorne, General List, Infantry, has been placed on temporary half-pay, with effect from the 19th July, 1884, subject to Her Majesty's approval.

No. 431.—Surgeon-Major Henry William Graham has been permitted to retire, with effect from the 6th June, 1884, subject to Her Majesty's approval.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

CALCUTTA, THE 28TH JULY, 1884.

Statement of Deposits on account of Estates from the 22nd to the 28th July, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
British Military Service.							
Richard Jackson (*a*) ...	Surgeon-Major	Army Medical Department.	24th September, 1883.	No Will left.	1,131 14 3	*Nil*	...
Warine du Vernet Lysley (*b*).	Lieutenant ...	King's Royal Rifle Corps.	12th April, 1884.	Intestate	1,212 12 10	*Nil*	27th September, 1884.

(*a*) *Vide* Notification of the 7th July 1884.
(*b*) *Next-of-kin*—Father.—W. Lysley, Esq., Athenæum Club, London.

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 31st July 1884.

No. 176.—Mr. F. R. Hutchinson, Examiner, 4th Class, 2nd Grade, sub. *pro tem.*, is permanently promoted to that Grade, with effect from the 4th July 1884.

No. 177.—Mr. C. F. White, Assistant Locomotive Superintendent, is promoted from Class IV to Class III of the State Railway Superior Revenue Establishment, with effect from the 1st July 1884.

The 1st August 1884.

No. 178.—The following promotions and reversion are made in the Railway Branch of the Public Works Department:—

Names.	From	To	Date.	Nature of promotion.
Mr. R. C. Beeston ...	Executive Engineer, 3rd Grade, sub. *pro tem.*	Ex. Engineer, 3rd Grade ...	4th May 1884	Permanent.
„ H. Luckstedt ...	Executive Engineer, 4th Grade, sub. *pro tem.*	„ „ 4th „ ...	„	„
„ Bewley ...	Assistant Engineer, 1st Grade, sub. *pro tem.*	Asst. „ 1st „ ...	„	„
Major J. B. Sparks ...	Executive Engineer, 2nd Grade...	Ex. „ 1st „ ...	27th May 1884	Sub. *pro tem.*
Mr. W. G. Gilchrist ...	„ „ 3rd „ ...	„ „ 2nd „ ...	„	„
„ B. P. Milsom ...	„ „ 4th „ ...	„ „ 3rd „ ...	13th April 1884	„
„ J. Elston ...	„ „ 4th „ ...	„ „ 3rd „ ...	4th May 1884	„
„ B. Batter ...	„ „ 4th „ ...	„ „ 3rd „ ...	27th May 1884	„
„ G. Cowper ...	„ „ 4th Grade, *temporary.*	„ „ 4th „ ...	9th April 1884	„
„ G. A. Anderson ...	„ „ 4th Grade, *temporary.*	„ „ 4th „ ...	13th April 1884	„
„ J. P. Hogan ...	„ „ 4th Grade, *temporary.*	„ „ 4th „ ...	4th May 1884	„
Captain R. C. Maxwell, R.E. ...	Assistant „ 1st Grade ...	„ „ 4th „ ...	27th May 1884	„
Mr. J. W. Parry ...	„ „ 2nd „ ...	Asst. „ 1st „ ...	9th April 1884	„
„ H. P. Burt ...	„ „ 2nd „ ...	„ „ 1st „ ...	13th April 1884	„
„ F. D. Fowler ...	„ „ 2nd „ ...	„ „ 1st „ ...	4th May 1884	„
„ A. Morse ...	„ „ 2nd „ ...	„ „ 1st „ ...	27th May 1884	„
Babu Sheo Dayal ...	„ „ 1st „ ...	Ex. „ 4th „ ...	2nd April 1884	Temporary.
Mr. M. J. Chabrel ...	„ „ 1st „ ...	„ „ 4th „ ...	7th April 1884	„
„ M. J. Chabrel ...	Executive „ 4th Grade, *temporary.*	Asst. „ 1st „ ...	12th May 1884	

No. 179.—The following officers of the Railway Branch, Public Works Department, are appointed to officiate as Executive Engineers, 4th Grade, from the dates specified so long as they hold charge of Executive Divisions, or until further orders:—

Names.	Rank.	Date.
Mr. R. S. J. Routh	Asst. Engr., 1st Grade	3rd April 1884.
„ H. E. Haddon	„ „ „	13th May 1884
„ W. H. Cole	„ „ „	25th April 1884.

No. 180.—Lieutenant C. A. R. Browne, R.E., Assistant Engineer, 2nd Grade, Military Works, is transferred temporarily to the Accounts Branch, with the temporary rank of Assistant Examiner, 1st Grade, and is posted to the Office of Examiner, Public Works Accounts, Punjab.

No. 181.—With reference to Notification No. 38, dated 7th February 1884, Mr. C. Sowerby ceased to officiate as Deputy Examiner of Accounts, Assam, from the 11th July 1884.

No. 182.—With reference to Public Works Department Notification No. 199, dated 24th August 1883, Major Sidney Smith, R.E., was brought on the permanent establishment of the Public Works Department in the Railway Branch as Executive Engineer, 4th Grade, with effect from the 17th December 1883.

No. 183.—Mr. C. E. Ross, Assistant Examiner, is transferred from the Office of Examiner, Public Works Accounts, Punjab, to the Office of Examiner, Public Works Accounts, Bengal.

No. 184.—Referring to Public Works Department Notification No. 178 of 1883, the services of Mr. C. E. Gael, Executive Engineer, 2nd Grade, are replaced at the disposal of the Agent to the Governor General for Central India, with effect from the 22nd July 1884, on which date he was relieved of his duties in the Railway Branch to go on furlough.

No. 185.—Mr. W. H. Marten, Deputy Examiner of Accounts, Bengal, is permitted, at his own request, to resign his appointment.

No. 186.—The following promotions are made in the Superior Accounts Establishment, with effect from the 1st July 1884:—

Name.	From	To	Nature of promotion.
Lieut.-Col. C. M. Moberly, M.S.C.	Examiner, 1st Class, *temporary* ...	Examiner, 1st Class ...	Sub. *pro tem.*
„ P. Lambert, R.E. ...	„ 2nd „ ...	„ 1st „ ...	*Temporary.*
Captain W. I. Le Breton, R.S.C.	„ 3rd „ ...	„ 2nd „ ...	Sub. *pro tem.*
Mr. W. Palmer ...	„ 3rd „ *temporary* ...	„ 3rd „ ...	„
Mr. F. Morrison ...	„ 4th „ 1st Grade ...	„ 3rd „ ...	*Temporary.*
Mr. A. R. Becher ...	„ 4th „ 2nd „ *supernumerrary.*	„ 4th „ 1st Grade ...	Sub. *pro tem., supernumerary.*
Mr. F. P. Quinlan ...	Examiner, 4th „ 2nd „ ...	„ 4th „ 1st „ ...	Sub. *pro tem.*
Mr. R. A. English ...	Deputy Examiner, 2nd „ ...	Deputy Examiner, 1st „ ...	„
Mr. S. K. L. Yeats ...	„ „ 2nd „ *temporary*	„ „ 2nd „ ...	„
Mr. E. A. Lee ...	Assistant „ 1st „ ...	„ „ 2nd „ ...	*Temporary.*

No. 187.—Notification No. 164, dated 15th July 1884, ordering certain reversions in the Superior Accounts Establishment is cancelled.

W. S. TREVOR, *Colonel, R.E.*,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 32.] SIMLA, SATURDAY, AUGUST 9, 1884.

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

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PART III.—Advertisements and Notices by private individuals and Corporations.

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

The Agriculturists' Loans Act, 1884.

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

Report of Select Committee on Agriculturists' Loans Bill, 1884.

SUPPLEMENT No. 32.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—MEDICAL.

Simla, the 7th August 1884.

No. 322.—The services of Surgeon J. B. Gibbons, Officiating Medical Officer, XIth Bengal Lancers, are temporarily placed at the disposal of the Government of Bengal.

No. 324.—The services of Surgeon L. T. Young, Indian Medical Service, are temporarily placed at the disposal of the Government of the Punjab, with effect from the 25th instant.

JUDICIAL.

The 7th August 1884.

No. 1065.—The Hon'ble G. C. Paul, B.A., C.I.E., Advocate General for Bengal, is granted leave of absence on private affairs for six months, with effect from the 20th September next.

FORESTS.

The 7th August 1884.

No. 566 *F.*—Mr. J. S. Battie, Sub-Assistant Conservator of Forests in Oudh and Officiating as an Assistant Conservator of the 3rd Grade, is confirmed in the latter appointment, with effect from this date.

Mr. Battie's services are placed at the disposal of the Government of Madras.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—POLITICAL.

Simla, the 4th August, 1884.

No. 1503 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. E. D. Ralli as Acting Vice-Consul for Greece, at Calcutta.

The 7th August, 1884.

No. 1534 *G.*—With reference to Foreign Department Notification, No. 986 G. of the 12th May, 1884, the recognition of the appointment by the Government of India, of Mr. F. Dickmann as Acting Consul for Sweden and Norway, at Rangoon, has been confirmed by Her Majesty's Government.

GENERAL.

The 6th August, 1884.

No. 1518 *G.*—The services of Surgeon-Major H. Whitwell, Officiating Medical Officer of the Deoli Irregular Force and of the Haraoti and Tonk Political Agency, are placed at the disposal of the Home Department.

No. 1521 *G.*—Surgeon H. N. V. Harington, Officiating Medical Officer of the Political Agencies at Kotah and Jhalrapatan, is appointed to be Medical Officer of the Deoli Irregular Force and to hold medical charge of the Haraoti and Tonk Political Agency, *vice* Surgeon-Major F. W. A. DeFabeck, retired.

JUDICIAL.

The 7th August, 1884.

No. 3010 *I.*—Under section 9 of Act XV of 1872, the Governor-General in Council is pleased to license the Reverend J. D. Webb, Pastor, Methodist Episcopal Church, to grant certificates of marriage between Native Christians in the Native States comprised in the Rajputana Agency.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATION.

Simla, the 7th August 1884.

The following Addendum and Corrigendum to the Codes of the Financial Department are published for general information:—

No. 2646.

P. & A. A. C.

PAGE 284.

Section 40 (a).

Substitute "appointments" for "appointment" in the fifth line.

Also insert the following as an Exception under this Section:—

"*Exception.*—A Local Government may appoint an officer to hold two appointments, even though the pay of the appointments be not provincial, provided one of the appointments be that of Post Master and provided the total emoluments of the officer for both appointments do not exceed Rs. 150 a month."

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 8th August, 1884.

APPOINTMENTS.

No. 432.—Under the authority of the Secretary of State for India in Council, the Governor General in Council is pleased to direct the publication of the following rules regarding the employment of officers of the Indian Army and Staff Corps on the general and departmental staff of the Army:—

I.—The tenure of the following appointments is limited to five years, subject to the condition that they must be vacated on succession to the colonel's allowances. The incumbents will not be borne on the strength of regiments, and regimental officers on appointment will vacate their regimental appointments:—

Secretary and Deputy Secretary to the Government of India in the Military Department.

Secretaries to the Governments of Madras and Bombay, Military Department.

Accountant General, Military Department.

Controllers of Military Accounts.

Commissaries General, Bengal, Madras and Bombay.

Judge Advocate Generals, Bengal, Madras and Bombay.

Superintendent, Horse Breeding Operations.

Director, Army Remount Operations.

II.—The tenure of the following appointments is subject to the same conditions as those in Clause I, and to the further condition that they must be vacated on promotion to the rank of general officer:—

Deputy Judge Advocate General of Bengal.

Deputy Commissaries General, Bengal, Madras and Bombay.

Military Secretary to the Government of the Punjab.

Superintendents of Remount Depôts, Bengal and Madras.

Superintendent of Family Payments and Pensions, Madras.

Superintendents and Agents, Army Clothing, Bengal, Madras and Bombay.

*Superintendent and Assistant Superintendent of British Army Schools.

Superintendent of Hissar Farm.

III.—The tenure of the following appointments is also limited to five years; the incumbents will be borne (seconded) on the strength of regiments, or, in the case of officers belonging to a department in which the tenure is not limited, on the list of that department:—

Assistant Secretary to the Government of India in the Military Department.

Deputy Accountant General, Military Department.

Assistant Superintendent of Remount Depôts.

Remount Agent, Calcutta.

Officers of the Transport Department, Bengal, Madras and Bombay.

Superintendent, Native Army Schools.

IV.—Officers of the Commissariat, Military Accounts, and Judge Advocate General's Departments, excepting those whose tenure of appointment is governed by Clauses I and II, will vacate their appointments under any one of the following conditions:—

(i) Succession to colonel's allowances.

(ii) Promotion to major-general.

(iii) Attaining to 52 years of age.†

† [This clause will not take effect until the 1st January, 1887.]

V.—Officers who may revert or who have already reverted to duty from a general or departmental staff appointment will not be eligible for re-appointment to the army or departmental staff (special appointments in the field excepted) until they shall have performed two years' regimental or approved military duty not on the staff.

VI.—Officers appointed to the Commissariat, Military Accounts, and Judge Advocate General's Departments will be seconded in their regiments for two years, and will retain for that time the option of reverting to regimental duty. At the

* When held by an officer of the Indian service.

end of the second year they will be struck off the strength of their regiments, and thenceforward will not be eligible to revert to regimental duty, unless an appointment is available to which they can be transferred. The period of probation in these departments will, however, remain as at present.

VII.—Officers now holding appointments of hitherto unlimited tenure, to which they were appointed before the 1st January, 1884, will be allowed a tenure of 7 years from date of appointment, or such further extension as will enable them to complete 32 years' service for pension, but not exceeding 9 years' tenure in all.

Provided, however, that no officer will be required to vacate an appointment the tenure of which has heretofore been unlimited (except on promotion to general officer, or on succession to the colonel's allowances) before the 1st January, 1886.

VIII.—Officers vacating appointments under Clauses IV (*iii*) and VII will be eligible for the advantages of G. G. O. No. 192 of 1883.

No. 433.—STAFF CORPS—

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

Lieutenant Henry Comins, Norfolk Regiment, Officiating Wing Officer, 27th Native Infantry,—21st July, 1883.

No. 434.—ADJUTANT GENERAL'S DEPARTMENT—

Major G. W. Rogers, Bengal S. C., Wing Commander, 4th Goorkha Regiment, to be a Deputy Assistant Adjutant General for Musketry, *vice* Major W. Hill, resigned. Dated 24th July, 1884.

FURLOUGH AND LEAVE.

No. 435.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant E. E. Taylor, Bengal S. C., Wing Officer and Adjutant, 18th Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Surgeon J. Lewtas, M.B., (Queen's Own) Corps of Guides, (p. a.) for one year, under rule I of the regulations of 1875.

LONDON GAZETTE.

No. 436.—The following extracts are published for general information:—

London Gazette, dated the 8th July, 1884, page 3112.

INDIA OFFICE;
8th July, 1884.

The Queen has approved of the following promotions among the officers of the Staff Corps and Indian Military Forces, made by the Governments in India:—

BENGAL STAFF CORPS.

To be Major.

Captain William Henry Browne. Dated 3rd May, 1884.

To be Captains.

Lieutenant Edwin Capel Currie Sandys. Dated 2nd May, 1884.

Lieutenant Charles Withers Ravenshaw. Dated 8th May, 1884.

Lieutenant Thomas Caldwell Pears. Dated 29th May, 1884.

BENGAL INFANTRY.

To be Colonel.

Lieutenant-Colonel John George Campbell. Dated 17th May, 1884.

BREVET.

To be Colonels.

Lieutenant-Colonel Charles Alexander Edward Stapleton Carter, Bengal Infantry. Dated 23rd March, 1884.

Lieutenant-Colonel Arthur Noel Phillips, Bengal Infantry. Dated 1st May, 1884.

PROMOTIONS.

No. 437.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Major.

Captain Thomas James Bailey,—5th August, 1884.

BREVET.

To be Colonel.

Lieutenant-Colonel William Wheler Hume, Bengal S. C.,—5th August, 1884.

No. 438.—SUBORDINATE MEDICAL DEPARTMENT—

Passed Hospital Apprentice Francis Ferdinand to be 2nd Class Assistant Apothecary from the 3rd June, 1884, *vice* 2nd Class Assistant Apothecary J. W. VonWein, deceased.

No. 439.—NATIVE ARMY—

4th Bengal Cavalry.

Jemadar Nand Lall to be Ressaidar;
Kote-Duffadar Omrao Sing to be Jemadar,—
with effect from 1st May, 1884, *vice* Ressaidar Goordut Sing, invalided.

22nd Native Infantry.

Jemadar Shere Singh to be Subadar; Havildar Ameer Khan to be Jemadar, *vice* Subadar Peer Bux, invalided;
Jemadar Jowrah to be Subadar; Havildar Rai Singh to be Jemadar, *vice* Subadar Matta Buccus, invalided,—
with effect from 1st June, 1884.

30th Native Infantry.

Jemadar Ram Sing to be Subadar;
Havildar Goordut Sing to be Jemadar,—
with effect from 14th June, 1884, *vice* Subadar Bookun Sing, invalided.

No. 440.—PUNJAB FRONTIER FORCE—

1st Punjab Cavalry.

Ressaidar Anoke Sing to be Ressaldar;
Jemadar Sapuran Sing, to be Ressaidar;
Kote-Duffadar Ali Hussein to be Jemadar,—
with effect from 13th June, 1884, *vice* Ressaldar Hurree Sing, invalided.

RETIREMENTS.

No. 441.—Under the authority of the Secretary of State for India, Lieutenant-Colonel and Brevet Colonel John Bartleman, Bengal S. C., is placed on the retired list, subject to Her Majesty's approval.

VOLUNTEER CORPS.

No. 442.—The designation of the "Rangoon and Irrawaddy State Railway Volunteer Corps" is changed to the *Burmah State Railways Volunteer Corps.*

MARINE DEPARTMENT.

APPOINTMENTS.

No. 37.—In G. G. O. No. 32, dated 27th June, 1884, the date of appointment of Assistant Engineer T. J. Brend should be the *3rd July, 1884*, and not the "20th June, 1884," as therein stated.

No. 38.—Mr. R. B. Sim, Assistant Engineer, Indian Marine, on probation, is confirmed in his appointment, with effect from the 9th May, 1883.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 4th August, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, on the dates specified, were received in the Military Department between the 22nd July and the 4th August, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
York and Lancaster Regiment.	Lieutenant C. W. Ford ...	19th July, 1884	Dorundah ...	Intestate	...
Royal Artillery ...	Lieutenant F. W. L. Birdwood...	23rd July, 1884	Thal Chotiali	...	...
Durham Light Infantry ...	Lieutenant-Colonel G. K. Shaw	27th July, 1884	Kasauli ...	...	...

Statement of Deposits on account of Estates between the 25th July and the 4th August, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
British Military Service.							
Richard Jackson (*a*) ...	Surgeon-Major	Army Medical Department.	24th September, 1883.	No will left.	3,059 6 0	*Nil*	...
Indian Military Service.							
Charles Hyder Forster (*b*)	Major ...	General List, Infantry.	10th March, 1884.	Will left in favor of a former wife.	53 10 9	...	...

(*a*) *Next-of-kin.*—*Vide* Notification of the 12th May, 1884.
(*b*) *Next-of-kin.*—*Vide* Notification of the 7th July, 1884.

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 2nd August 1884.

No. 188.—Mr. Henry Parnham Phillips is appointed to Class III of the State Railway Superior Revenue Establishment, Locomotive Department, and his services are placed at the disposal of the Chief Commissioner of British Burma.

The 8th August 1884.

No. 189.—Mr. Augustin Gough Warburton is appointed to Class IV of the State Railway Superior Revenue Establishment, Traffic Department, and his services are placed at the disposal of the Government of North-Western Provinces and Oudh, Public Works Department.

No. 190.—Mr. C. F. White, Class III of the State Railway Superior Revenue Establishment, is transferred from the Establishment under the Director General of Railways to that under the Government of the North-Western Provinces and Oudh, Public Works Department.

W. S. TREVOR, *Colonel, R.E.*,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 33. SIMLA, SATURDAY, AUGUST 16, 1884.

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

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PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor General's Council assented to by the Governor General:—
Nothing for publication.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22:—
Nothing for publication.

SUPPLEMENT No. 33.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—MEDICAL.

Simla, the 14th August 1884.

No. 327.—The services of Surgeon-Major H. Whitwell, Officiating Medical Officer of the Deoli Irregular Force, and of the Haraoti and Tonk Political Agency, are temporarily placed at the disposal of the Government of Bengal.

JUDICIAL.

The 12th August 1884.

No. 1093.—Under the provisions of Section 3, Act XXVI of 1881 (The Negotiable Instruments Act, 1881), the Governor General in Council is pleased to appoint Mr. H. McDonald, Secretary to the Bassein Municipal Committee, British Burma, to perform the functions of a Notary Public under that Act.

The 13th August 1884.

No. 1095.—Mr. A. Phillips, Standing Counsel for the Presidency of Fort William in Bengal, is appointed to officiate as Advocate General for Bengal during the absence on leave on private affairs of the Hon'ble G. C. Paul, B.A., C.S.I., or until further orders.

Mr. W. C. Bonnerjee, Barrister-at-Law, is appointed to officiate as Standing Counsel, *vice* Mr. A. Phillips.

PORT BLAIR.

The 14th August 1884.

No. 518.—Lieutenant-Colonel M. Protheroe, C.S.I., Deputy Superintendent of Port Blair and the Nicobars, has obtained privilege leave for three months, with effect from such date as he may avail himself of it.

FORESTS.

The 15th August 1884.

No. 596 F.—Mr. K. L. Heinig, Sub-Assistant Conservator of Forests in Bengal and Officiating as an Assistant Conservator of the 3rd Grade, is confirmed in the latter appointment, with effect from the 14th July 1884.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—SURVEYS.

Simla, the 14th August 1884.

No. 403.S.—The services of Major J. H. Holdich, R.E., Deputy Superintendent of the 3rd Grade, and Lieutenant R. A. Wahab, R.E., Officiating Assistant Superintendent of the 1st Grade, Survey of India Department, are placed at the disposal of the Military Department, with effect from the 1st September 1884.

The 15th August 1884.

No. 418 *S.*—Lieutenant G. B. Hodgson, B.S.C., Probationary Assistant Superintendent of the 2nd Grade in the Survey of India Department, is confirmed in that grade, with effect from the 23rd July 1884.

GENERAL.

The 14th August 1884.

No. 575 *G.*—Mr. T. W. Holderness, C.S., Under Secretary to the Government of India in the Revenue and Agricultural Department, is granted privilege leave for one month, with effect from the 18th instant.

No. 576 *G.*—Mr. R. G. Thomson, C.S., Officiating Senior Secretary to the Financial Commissioner of the Punjab, is appointed to officiate as Under Secretary in the Revenue and Agricultural Department during the absence of Mr. T. W. Holderness.

E. C. BUCK,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—POLITICAL.

Simla, the 11th August, 1884.

No. 2141 *E.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Saleh Jafar, Native Assistant and Interpreter to the Aden Residency, the title of "Khan Bahadur," as a personal distinction.

GENERAL.

The 14th August, 1884.

No. 1565 *G.*—Lieutenant-Colonel C. A. Baylay, Additional Political Agent of the 1st Class, and Political Agent, Kotah, is appointed to officiate as a Resident of the 2nd Class, and as Resident in the Western States of Rajputana, with effect from the date of assuming charge, during the absence on privilege leave of Lieutenant-Colonel P. W. Powlett.

MILITARY.

No. 1567 *G.*—The following Brigade Orders, issued on the 19th July, 1884, by Lieutenant-Colonel H. M. Buller, Officiating Commandant, Central India Horse, consequent on the return from privilege leave of Lieutenant L. Herbert, Officiating Squadron Officer, 1st Regiment, Central India Horse, are confirmed :—

Lieutenant L. Herbert, Officiating Squadron Officer, on probation, to officiate as 3rd Squadron Commander, *vice* Lieutenant E. E. Robertson, proceeded on furlough.

Lieutenant F. C. Grant, Officiating Squadron Officer, on probation, and Officiating 3rd Squadron Commander, to revert to his duties as Squadron Officer.

JUDICIAL.

No. 3091 *I.*—In exercise of the powers conferred by Section 12 of the Code of Criminal Procedure, as extended by Foreign Department Notification, No. 1008 I., dated 17th March, 1884, to the Rajputana-Malwa Railway System, the Governor-General in Council is pleased to appoint Mr. J. A Crawford, C.S., Assistant Commissioner in Ajmere, to be a Magistrate of the 1st Class within the portions of land, occupied by the Rajputana-Malwa Railway, which lie within the States of Marwar, Serohi, Meywar and Tonk, respectively, and under Section 37 of the same Act to invest him with all the powers specified in the fourth Schedule thereto, or powers with which a Magistrate of the 1st Class may be invested by the Local Government.

2. The Governor-General in Council is pleased further to direct that this Notification shall take effect, so far as the portions of Railway which lie within the States of Marwar and Serohi are concerned, from the 16th May, 1884, and so far as the portions of Railway which lie within the States of Meywar and Tonk are concerned, from the 23rd June, 1884.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 13th August 1884.

The following Addendum to the Codes of the Financial Department is published for general information :—

No. 2782.

P. & A. A. C.

PAGE 295,

Section 56.

Insert the following in this Section before "An Assistant Superintendent of Police serving in the Lower Provinces, &c.," *and after* "Assistant Commissioner, 3rd Grade, in Berar" :—

"Assistant Superintendent of Police in Berar ... ... 300"

The 14th August 1884.

No. 2827.—*Abstract of the accounts of the Department of Issue of Paper Currency on the 31st July 1884, published as required by Section 27 of the Indian Paper Currency Act XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta ...	6,79,14,210	1,90,35,999	67,84,316	2,58,10,315
Allahabad ...	75,86,490	73,96,670	...	73,96,670
Lahore ...	74,26,905	92,14,430	...	92,14,430
Bombay ...	4,36,53,095	2,39,06,415	27,91,785	2,67,00,200
Kurrachee ...	29,35,575	35,17,570	5,400	35,22,970
Madras ...	1,20,99,155	42,90,885	7,00,000	49,90,885
Calicut ...	17,33,520	13,72,650	7,500	13,80,150
Rangoon ...	28,99,440	75,91,450	...	75,91,450
Total ...	14,56,07,070	7,53,18,069	1,02,89,001	8,56,07,070
Price paid for Government securities of the nominal value of Rs. 6,25,21,700 held under Section 10 of the Act ...				6,00,00,000
GRAND TOTAL ...				14,56,07,070

No. 2814.—Mr. H. J. Brereton, Officiating Assistant Accountant General, North-Western Provinces and Oudh, having been granted privilege leave for 27 days, made over charge of his duties after noon on the 24th July 1884.

Mr. J. E. Cooke having been directed to join his substantive appointment as Deputy Accountant General, North-Western Provinces and Oudh, received charge of that appointment from Mr. T. H. S. Biddulph before noon on the 28th July 1884.

The 15th August 1884.

No. 2813.—Mr. W. Donald, having been granted privilege leave for one month and 27 days, made over charge of the office of Deputy Accountant General, Madras, to Mr. H. S. Groves, and availed himself of the leave granted to him on the afternoon of the 31st July 1884.

No. 2855.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read again—

Resolution in this Department, No. 2314, dated the 18th July, 1884, empowering the Calcutta Port Commissioners to raise this year a loan, not exceeding fifty lakhs of rupees, under a guarantee by the Government of India for the construction of the proposed Docks at Kidderpore.

RESOLUTION.—As it has been found impossible to proceed immediately with the legislation necessary to enable the Port Commissioners to raise a loan for the construction of the Docks, the Governor General in Council hereby cancels the Resolution cited above.

ORDERED, that this be published in the *Gazette of India*, and that a copy of it be forwarded to the Government of Bengal.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 13th August, 1884.

APPOINTMENTS.

No. 443.—PUNJAB FRONTIER FORCE—

2nd Punjab Cavalry.

Lieutenant A. R. Dick, Border Regiment, a candidate for the Bengal Staff Corps, to officiate as Squadron Officer, on probation, with effect from the 29th July, 1884.

No. 444.—BENGAL CAVALRY—

4th Cavalry.

Lieutenant R. Wapshare, Officiating Wing Officer, on probation, 1st Infantry, to be Officiating Squadron Officer, on probation.

FURLOUGH AND LEAVE.

No. 445.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel and Brevet Colonel H. Rowband, Infantry, Assistant Commissary General, 2nd class, (p. a.) for two years, under rule IX of the regulations of 1868.

No. 446.—In G. G. O. No. 417 of 1884, granting leave in India to Conductor H. Harwood, *for* "12th January, 1884," *read* "12th June, 1884."

PROMOTIONS.

No. 447.—The following promotion is made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Major.

Captain and Brevet Major Stannus Verner Gordon,—9th August, 1884.

No. 448.—NATIVE ARMY—

18th Bengal Cavalry.

Kote-Duffadar Jalal Khan to be Jemadar, with effect from 1st July, 1884, *vice* Jemadar Murdan Khan, invalided.

8th Native Infantry.

Havildar Lall Singh to be Jemadar, with effect from 1st May, 1884, *vice* Jemadar Manh Singh, invalided.

17th Native Infantry.

Jemadar Shaick Joomun to be Subadar, *vice* Subadar Issuree Singh, invalided;
Jemadar Ratton Misser to be Subadar, *vice* Subadar Kampta Sing, invalided;
Havildar Dulleep Sing to be Jemadar, *vice* Jemadar Bahadoor Sing, invalided;
Havildar Juggut Sing to be Jemadar, *vice* Jemadar Issuree Sing, invalided;
Havildar Oodit Sing to be Jemadar, *vice* Jemadar Shaick Joomun, promoted,—

with effect from 1st May, 1884.

4th Goorkha Regiment.

In G. G. O. No. 369 of 1884, *for* "Chamoo Goorung, invalided," *read* "Chamoo Goorung, deceased."

SPECIAL.

No. 449.—The Governor General in Council is pleased to sanction the following appointments to the staff of the Expeditionary Force about to proceed into the Zhob Valley, to take effect from the dates on which the several officers enter upon the duties of their respective posts :—

Brigadier-General Sir O. V. Tanner, K.C.B., Bombay S. C.,—to Command.
Captain J. N. Walker, Bombay S. C.,—to be Deputy Assistant Adjutant General.
Lieutenant W. St. L. Chase, V.C., Bombay S. C.,—to be Deputy Assistant Quarter Master General.
Brigade Surgeon A. F. Bradshaw, Army Medical Department,—to be Principal Medical Officer.
Captain B. L. P. Reilly, Bombay S. C.,—to be Commissariat and Treasury Officer.
Lieutenant H. Parkin, Bombay S. C.,—to be Assistant to the Executive Commissariat Officer.
Captain G. F. Francis, Bombay S. C.,—to be Transport Officer.
Major W. P. Tompkins, R.E.,—to be Commanding Engineer.
Captain C. Hoskyns, R.E.,—to be Field Engineer.
Captain M. Martin, R.E.,—to be Assistant Field Engineer.

Lieutenant F. A. Blyth, Bengal S. C.,—to be Superintendent of Army Signalling.

Major H. F. Smyth, R.A.,—to be Provost Marshal.

VOLUNTEER CORPS.

No. 450.—RETIREMENTS—

Captain E. A. Wainright, of the Mussoorie Volunteer Rifle Corps, is permitted to retain his rank and to continue to wear the uniform of his corps on retirement.

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

No. 451.—Major R. Calrow, R.E., Executive Engineer, 4th Grade, Supernumerary, is appointed Executive Engineer, 3rd Grade, with effect from the 23rd November, 1883.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 33.—Mr. Robert Weaver Walter Gordon has been appointed by the Secretary of State for India a 3rd Grade Officer in the Indian Marine, with effect from the 13th June, 1884.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 11th August 1884.

No. 191.—The Governor General in Council is pleased to make the following promotions to, and in the classes of, Chief and Superintending Engineers, with effect from the 19th July 1884:—

Names.	From	To	Nature of promotion.
Limond, Col. D., C.B., R.E. ...	Chief Engineer, Class II ...	Chief Engineer, Class I ...	Sub. *pro tem.*
Perkins, Col. Æ., C.B., R.E. ...	" " " III, *special* ...	" " " II ...	Permanent.
Luard, Lieut.-Col. C. H., R.E. ...	Supdg. Engineer, Class I ...	" " " III ...	Special.
Tyndall, R. ...	" " " I, sub. *pro tem.*	Superintending Engineer, Class I ...	Permanent.
Swetenham, Lieut.-Col. E. ...	" " " II sub. *pro tem.*	" " " II...	Do.
Lang, Colonel A. M., R.E. ...	Chief Engineer, Class III, sub. *pro tem.*	Chief Engineer, Class II ...	*Temporary.*
Bonus, Colonel J., R.E. ...	Supdg. Engineer, Class I ...	" " " III ...	*Temporary supernumerary.*
Smith, Lieut.-Col. C. J., R.E. ...	" " " I ...	" " " III ...	Do. do.
Mallet, R. T. ...	" " " I ...	" " " III ...	*Temporary.*
Cregeen, A. C. ...	" " " I, *tempy. rank*	Superintending Engineer, Class I ...	Sub. *pro tem.*
Lambert, H. ...	" " " II ...	" " " I...	*Temporary.*
Anley, G. A. D. ...	" " " II, *tempy. rank*	" " " II...	Sub. *pro tem.*
Rhind, R. H. ...	" " " III, *special*	" " " II...	*Temporary.*
Dowden, Lieut.-Col. T. F., R.E.	" " " III, *tempy. rank*	" " " III	Sub. *pro tem.*
Buyers, J. W. ...	Executive Engineer, 1st Grade ...	" " " III	*Temporary.*

The 12th August 1884.

No. 192.—Mr. A. Morton, in Class II of the State Railway Superior Revenue Establishment, Locomotive Department, is granted furlough to Europe for fifteen months, together with the necessary subsidiary leave, with effect from the 1st October 1884, or from such subsequent date as he may be permitted to avail himself of the same.

The 13th August 1884.

No. 193.—Major H. H. Cole, R.E., Executive Engineer, 1st Grade, is posted to Central India.

TELEGRAPH.

The 14th August 1884.

No. 194.—The following promotions are made in the Persian Gulf Section of the Indo-European Telegraph Department, with effect from 26th July 1884 and until further orders:—

Mr. J. Possmann, Superintendent, to officiate as Engineer and Electrician, *vice* Mr. H. C. Manee, on furlough.

Mr. F. A. Patten, Assistant Superintendent, to officiate as Superintendent, *vice* Mr. J. Possmann.

Mr. J. P. Hawkins, 1st Grade Clerk, to officiate as Assistant Superintendent, *vice* Mr. F. A. Patten.

No. 195.—The Governor General in Council is pleased to prescribe, under Section 8 of Telegraph Act No. I of 1876, the following rules, which will come into force on 1st September 1884.

TELEPHONE EXCHANGE.

Telegram Subscription Rules.

Whereas a Telephone Exchange may, with the permission of the Director-General of Telegraphs in India, be connected by means of one or more Telephone wires with the Central Government Telegraph office within the limits within which it has been established, to the intent that the subscribers may be enabled to communicate directly with that Telegraph Office; in exercise of the powers conferred by sections 7 and 8 of the Indian Telegraph Act, 1876, the Governor General in Council is pleased to make the following rules prescribing the regulations, conditions and restrictions according to which all messages and signals communicated to a Government Telegraph Office by the subscribers to a Telephone Exchange connected with a Government Telegraph Office or received for transmission to such subscribers, shall be transmitted.

1. These rules may be called the Telegram Subscription Rules, 1884.

2. Any subscriber to a Telephone Exchange connected as aforesaid with a Government Telegraph office shall be entitled to communicate direct with the Telegraph Office by means of the Telephone Exchange and the connecting Telephone wires on payment to the Director-General of Telegraphs in India (herein referred to as the Director-General) of a yearly sum of sixty rupees, which shall be paid in advance on the first day of January in each year:

Provided that, if a subscriber desires to institute his direct communication with the Telegraph Office on any other date than the first day of January, he shall in respect of the then current year be required to pay in advance a proportionate part only of the said sum of sixty rupees.*

3. When a telegram addressed to such a subscriber as aforesaid (herein referred to as a Telegram Subscriber) is received at the Telegraph Office, it shall at the discretion of the Director-General or his officers either be delivered in the manner provided in the "Rules and Tariff relating to the transmission of telegraph messages in India," made under the Indian Telegraph Act, 1876, and for the time being in force, or be transmitted to the Telegram Subscriber by means of the Telephone Exchange if it can be so transmitted with reasonable speed, and in that case the Telegram Subscriber shall accept such transmission in place of the delivery of the telegram in the manner provided by the aforesaid Rules and Tariff.

4. Telegrams received from a Telegram Subscriber of the central Telegraph office by means of the Telephone Exchange shall, at the option of the Telegram Subscriber, be forwarded to their destination by the Government Telegraph, or be forwarded by post as ordinary letters, or, if the address of delivery is within a reasonable distance from the Telegraph Office, by special messenger:

Provided that a Telegram Subscriber shall not be entitled to transmit more than one telegram at a time to the Telegraph Office by means of the Telephone Exchange, nor shall the Telephone exchange be used for the transmission of press messages.

5. A Telegram Subscriber shall pay to the Director-General in respect of every such telegram forwarded from the Telegraph Office by telegraph the same sum for transmission, Prepaid Replies, Postage, Registration and Express Charges (if any) as would be payable by the sender if the telegram had been handed in at the Central Telegraph Office as an ordinary telegram.

6. A Telegram Subscriber shall pay to the Director-General in respect of every such telegram forwarded from the Telegraph Office by post as a letter the ordinary postage payable on the letter.

7. A Telegram subscriber shall pay to the Director-General in respect of every such Telegram delivered from the Telegraph office by special messenger a sum of two annas if the address of delivery is within the limits of the free ordinary delivery of telegrams from the Telegraph Office, and in all cases the same sum as would be payable for "Express Charges" in respect of an ordinary Telegram delivered from the Telegraph office at the same address.

8. All sums payable by a Telegram Subscriber in respect of telegrams forwarded as aforesaid from the Telegraph Office shall be paid in advance by means of a deposit with the Telegraph Officer in charge of the Telegraph Office, who shall not be required to forward any such telegram unless the sum for the time being in his hands on account of the deposit is sufficient for the payment of the amount payable in respect of the telegram.

9. All accounts in respect of Telegrams forwarded or delivered as aforesaid on behalf of a Telegram Subscriber from the Telegraph Office shall be settled monthly up to the first day of each calendar month.

10. A Telegram Subscriber may pay the sum payable by him to the Director-General in accordance with Rule 2 to the Licensees of the Telephone Exchange to which he is a subscriber, as the Agents and on behalf of the Director-General, and the receipt of the Licensees shall be a good discharge for any sum so paid.

The said Licensees shall act as Agents of the Director-General for the purpose aforesaid, and shall receive all sums which may in accordance with the said rule be tendered to them by the subscribers as such Agents, and shall pay the same to the Director-General immediately on the receipt thereof or at such other times as may be agreed upon between the Director-General and the Licensees.

11. The Secretary of State in Council or the Director-General shall not be subject to any liability by reason or on account of any failure, delay or mistake in or about the transmission, receipt or delivery of any telegram under these rules, whether arising from the default of the Licensees or of any Officer of the Government Telegraph, or otherwise.

12. If any sum payable under Rule 2 or any other money which is for the time being due from a Telegram Subscriber under these rules is in arrear or unpaid for twenty-one days after it ought to be paid, the Director-General may by notice in writing debar the subscriber from participating in the advantages of these rules from the date of the service of the notice:

Provided that the fact of a subscriber being debarred from participating in the advantages of these rules shall not affect the right of the

* The annual payment of sixty rupees to the Director-General is to be in consideration of the services of the Telegraphist attending to the Telephone exchange connection in the Central Telegraph Office and of the other services to be rendered and expenses to be incurred by the Director-General.

Director-General to recover from the subscriber any money which may be in arrear and unpaid.

13. Any notice to be given by the Director-General under these rules may be signed by the Chief Officer of the Division of Telegraphs within which the Telephone Exchange with which the subscriber's office is connected is situated, and may be served by sending it by post in a registered letter to the subscriber at his office.

TELEPHONE EXCHANGE.

Agency Subscription Rules.

WHEREAS a Telephone Exchange may, with the permission of the Director-General of Telegraphs in India, be utilized as an agency through which Subscribers' Telegrams intended for transmission or transmitted over the wires of the Government Telegraph Department may be received and delivered by the Officers of that Department. In exercise of the powers conferred by sections 7 and 8 of the Indian Telegraph Act, 1876, the Governor General in Council is pleased to make the following rules prescribing the regulations, conditions and restrictions according to which all messages and signals received or deliverable through the agency of any such Telephone Exchange shall be transmitted :—

1. These rules may be called the Agency Subscription Rules, 1884.

2. If a subscriber to a Telephone Exchange desires to employ the Licensees of the Telephone Exchange as his Agents through whom his telegrams intended for transmission or transmitted over the wires of the Government Telegraph Department may be received or delivered by the Officers of that Department, he shall address the following form of request to the Director-General of Telegraphs in India (herein referred to as the Director-General) :—

"I hereby request the Director-General of Telegraphs in India, until further notice, to deliver to the Telephone Exchange Company, Limited, at their central Telephone Exchange situated in the town of for transmission to me by means of the Telephone Exchange of that Company, all telegrams addressed to me at that may be received by means of the Central Government Telegraph Office in that town, and to transmit all telegrams received from the said Company at such Government Telegraph Office as the Director-General may by order in writing appoint for transmission on my account; and I hereby agree to pay to the Director-General the sum of twelve rupees per annum in advance on the day of in each year for the registration of special instructions to the effect above mentioned."

Signed

3. During the continuance of the period for which such a subscriber as aforesaid (herein referred to as an Agency Subscriber) is registered at the Telegraph Office as desirous of having his telegrams delivered to, and received for transmission from, the Licensees of the Telephone Exchange to which he is a subscriber, the Licensees—

(*a*) may receive messages transmitted to a Telephone attached to the Exchange from the Office of the Subscriber and intended to be further transmitted on behalf of the Subscriber by means of the Government Telegraphs, and

(*b*) may as the Agents of the Subscriber commit the messages to writing on appropriate message forms to be provided by the Director-General, and

(*c*) may deliver the forms by messenger at such Government Telegraph Office as the Director-General may by order in writing appoint for that purpose, to the intent that the forms may be transmitted from the office as telegrams.

4. All charges which under the "Rules and Tariff relating to the transmission of telegraph messages in India" made under the Indian Telegraph Act, 1876, and for the time being in force, should be paid by the sender of a Telegram, shall be paid by Telegraph stamps attached to the message form on which any such message as aforesaid is written before the delivery of the message form at the Telegraph Office.

5. (*a*) On the delivery by the Director-General at the Office of the Licensees of a Telegram addressed to any Agency Subscriber, the Licensees may transmit the telegram to the Subscriber's Office by means of their Telephone Exchange.

(*b*) The time at which the transmission takes place shall be entered on the message form on which the telegram was delivered at the Office of the Licensees.

(*c*) All message forms delivered by the Director-General at the Office of the Licensees on any day shall at the end of the same day be returned by the Licensees to the Central Telegraph Office in the town in the order in which they were delivered at the Office of the Licensees.

6. The Licensees shall not retain a copy of any telegram transmitted by or to any of their Subscribers under the operation of these Rules.

7. In case of any breach, non-performance or non-observance by or on the part of the Licensees of any of the stipulations and conditions hereinbefore contained or contained in the aforesaid Rules and Tariff relating to the transmission of telegraph messages in India, the Director-General may by notice in writing revoke and determine the permission granted under these Rules as from the date of the service of the notice.

8. Any notice to be given by the Director-General under these Rules may be signed by the Chief Officer of the Division of the Telegraphs within which the Telephone Exchange of the Licensees is situated, and may be served by sending the same by post in a registered letter to the Licensees at their Office.

W. S. TREVOR, *Colonel, R.E.*,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 34.] SIMLA, SATURDAY, AUGUST 23, 1884.

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

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SUPPLEMENT No. 34.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 22nd August 1884.

No. 1323.—His Excellency the Governor General in Council is pleased to depute Maulvi Muhammad Sami-ul-la Khan, Subordinate Judge of Aligarh, temporarily for service in Egypt on the staff of the Right Honourable the Earl of Northbrook, G.C.S.I.

MEDICAL.

The 16th August 1884.

No. 332.—The services of Surgeon J. Clarke, M.D., are placed at the disposal of the Government of Bengal.

The 22nd August 1884.

No. 357.—With reference to Home Department Notification No. 138, dated the 1st April 1882, the services of Surgeon F. F. Perry are permanently placed at the disposal of the Government of the Punjab.

JUDICIAL.

The 22nd August 1884.

No. 1119.—I. In supersession of the rules published under Home Department Notification No. [illegible], dated the 5th December 1873, the Governor General in Council, in exercise of the power conferred upon him in that behalf by section 16 of Act XI of 1865, makes the following rules to provide for the distribution of business between any person who may be, or may have been, invested with the powers of a Judge of a Court of Small Causes in the Court of Small Causes at Rangoon and the Judge of that Court, and to regulate and define the duties and relative positions of the Judge of the Court (hereinafter called the First Judge) and the person so invested (hereinafter called the Second Judge) :—

(1) All suits cognizable by the Court of Small Causes at Rangoon the pecuniary value whereof does not exceed the sum of Rs. 500, and in which the defendant or principal defendant is a Burman, shall be instituted in the Court of the Second Judge, by whom the same shall be heard and determined, unless transferred to the Court of the First Judge under the powers in that behalf hereinafter contained.

(2) All other suits cognizable by the said Court shall be instituted in the Court of the First Judge.

(3) All plaints in suits intended to be instituted in the Court of Small Causes at Rangoon shall be presented to the Judge of the Court in which the suits are intended to be instituted, or to such officer as the First Judge may appoint in that behalf.

(4) Any suit the pecuniary value of which is not more than Rs. 500 may be sent for trial by the First Judge to the Second Judge.

(5) Any suit instituted in the Court of the First Judge and which has been transferred for trial by him to the Second Judge may be retransferred to the First Judge for trial, if he thinks fit to do so, at any time before the first hearing of the suit; and any suit which has been instituted in the Court of the Second Judge may be transferred by the First Judge to his Court for trial.

II. Under the power in that behalf conferred upon him by Section 31 of Act XI of 1865, the Governor General in Council makes the following rules:—

In all suits instituted in or sent for trial to the Court of the Second Judge of the Court of Small Causes, at Rangoon, either or any of the parties may apply to the First Judge of such Court to sit together with the Second Judge at the hearing of them, and in such cases, if the First Judge thinks fit, he and the Second Judge may sit together to hear and dispose of the suit.

PORT BLAIR.

The 22nd August 1884.

No. 533.—Mr. F. E. Tuson, Officiating 3rd Assistant Superintendent of Port Blair and the Nicobars, has obtained privilege leave for three months, with effect from such date as he may avail himself of it.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—POLITICAL.

Simla, the 19th August, 1884.

No. 1601 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. George Drury Coleman as Vice-Consul for Spain, at Madras.

The 20th August, 1884.

No. 1610 *G.*—With reference to Foreign Department Notification, No. 996 G., dated the 13th May, 1884, the recognition of the appointment by the Government of India of Mr. M. Blum as Acting Consul for Belgium, at Calcutta, has been confirmed by Her Majesty's Government.

No. 1614 *G.*—With reference to Foreign Department Notification, No. 1025 G., dated the 19th May, 1884, the recognition of the appointment by the Government of India of Mr. G. A. Marinitsch as Acting Consul for Sweden and Norway, at Bombay, has been confirmed by Her Majesty's Government.

The 21st August, 1884.

No. 1624 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. Jacob Steiner as Consul for the Netherlands, at Bombay.

GENERAL.

The 18th August, 1884.

No. 1596 *G.*—Captain A. Masters, Squadron Commander, 2nd Regiment, Central India Horse, is appointed to officiate as Political Assistant, Gooha, with effect from the date of assuming charge, during the absence on privilege leave of Lieutenant-Colonel M. G. Gerard, C.B., or until further orders.

The 19th August, 1884.

No. 1604 *G.*—The following promotions are made in the Berar Commission, with effect from the 11th February, 1884, consequent on the transfer to foreign service of Major E. S. Ludlow, C.I.E., Assistant Commissioner of the 1st Class:—

Lieutenant-Colonel F. W. Grant, Assistant Commissioner of the 2nd Class, and Officiating Assistant Commissioner of the 1st Class, to be an Assistant Commissioner of the 1st Class.

Mr. A. Ellioft, Assistant Commissioner of the 3rd Class, and Officiating Assistant Commissioner of the 2nd Class, to be an Assistant Commissioner of the 2nd Class.

The above promotions are made under the provisions of Rule 4, Section 4, of the Pay and Acting Allowance Code.

Major H. DeP. Rennick, Assistant Commissioner of the 2nd Class, to officiate as an Assistant Commissioner of the 1st Class.

Mr. R. D. Hare, Assistant Commissioner of the 3rd Class, to officiate as an Assistant Commissioner of the 2nd Class.

No. 1606 *G.*—Yar Mahomed Khan, Supernumerary Assistant Commissioner of the 3rd Class in the Hyderabad Assigned Districts, is brought on the permanent strength of the establishment, with effect from the 20th March, 1884, *vice* Mr. E. J. Kitts, whose services have been replaced at the disposal of the Government of the North-Western Provinces and Oudh.

The 22nd August, 1884.

No. 1629 *G.*—The following changes are made in the Graded List of the Political Department:—

Promotions.

Consequent on the departure on furlough of Lieutenant-Colonel J. Biddulph, Political Agent of the 2nd Class, with effect from the 18th June, 1884—

Mr. J. R. FitzGerald, Political Agent of the 3rd Class, to officiate as a Political Agent of the 2nd Class.

Captain E. A. Fraser, Political Assistant of the 1st Class, to officiate as a Political Agent of the 3rd Class.

Lieutenant C. Herbert, Officiating Political Assistant of the 2nd Class, to officiate as a Political Assistant of the 1st Class.

Lieutenant W. E. Evans-Gordon, Officiating Political Assistant of the 3rd Class, to officiate as a Political Assistant of the 2nd Class.

Reversions.

Consequent on the return from privilege leave of Lieutenant H. L. Ramsay, Officiating Political Assistant of the 1st Class, with effect from the 7th July, 1884—

Lieutenant P. J. Melvill, from Officiating Political Assistant of the 1st Class, to Officiating Political Assistant of the 2nd Class.

Lieutenant W. E. Evans-Gordon, from Officiating Political Assistant of the 2nd Class, to Officiating Political Assistant of the 3rd Class.

Consequent on the return from privilege leave of Lieutenant-Colonel A. W. Roberts, Officiating Political Agent of the 2nd Class, with effect from the 16th July, 1884—

Mr. J. R. FitzGerald, from Officiating Political Agent of the 2nd Class, to his substantive grade of Political Agent of the 3rd Class.

Captain E. A. Fraser, from Officiating Political Agent of the 3rd Class, to his substantive grade of Political Assistant of the 1st Class.

Lieutenant C. Herbert, from Officiating Political Assistant of the 1st Class, to Officiating Political Assistant of the 2nd Class.

Lieutenant R. D. C. Davies, from Officiating Political Assistant of the 2nd Class, to Officiating Political Assistant of the 3rd Class.

Promotion.

Captain D. Robertson, Political Assistant of the 1st Class, on return from privilege leave, to officiate as a Political Agent of the 3rd Class, with effect from the 30th July, 1884.

Reversions.

Consequent on the return from privilege leave of Captain D. Robertson, Officiating Political Agent of the 3rd Class, with effect from the 30th July, 1884—

Captain N. C. Martelli, from Officiating Political Agent of the 3rd Class, to his substantive grade of Political Assistant of the 1st Class.

Captain T. C. Pears, from Officiating Political Assistant of the 1st Class, to Officiating Political Assistant of the 2nd Class.

Lieutenant W. H. Cornish, from Officiating Political Assistant of the 2nd Class, to Officiating Political Assistant of the 3rd Class.

JUDICIAL.

The 18th August, 1884.

No. 3128 *J.*—I. The Governor-General in Council is pleased to extend Bombay Act VI of 1863 (An Act for the Regulation of Public Conveyances) to the Cantonment of Baroda, subject to the following modifications:—

(1) The following words shall be omitted, *viz.*:—

In section 1, the words "and every boat or other vessel carrying passengers for hire within the said jurisdiction, whatever be the means by which the same may be propelled, shall be deemed and taken to be a public water conveyance"; in sections 1, 3 and 14, the word "land"; in section 2, the words "in the case of a land conveyance," the words "and in the case of a water conveyance, by the Master Attendant," and the word "respectively," in both places in which it occurs; in section 4, the words "or the number of persons composing the crew"; in section 12, the word "respectively"; in section 14, the last twenty-nine words; in section 27, the words "who has inflicted the punishment;" in section 35, the words "by any Magistrate of Police or Magistrate contemplated in the above section," and the words "by any other Court"; and in section 36, the words "tindals, syrangs and boatmen"; and sections 33, 34, 37, and 38.

(2) The words "the Cantonment Magistrate" shall be substituted for the words "the Commissioner of Police," "the Commissioner of Police or Master Attendant," "the Commissioner of Police or the Master Attendant, as the case may be," "the Commissioner of Police and Master Attendant," "a Magistrate of Police," "any Magistrate of Police," "a Police Magistrate," and "the Police Magistrate," wherever they occur.

(3) In sections 6, 10 and 11, the words "the said Magistrate" shall be substituted for the words "the said Commissioner of Police or Master Attendant"; and in section 14, the words "the said Magistrate" shall be substituted for the words "the said Commissioner of Police."

(4) In section 10, the words "such Magistrate" shall be substituted for the words "such Magistrate of Police," and the words "the Magistrate" for the words "the Magistrate of Police before whom he ought to appear according to such summons" and "such Magistrate," respectively.

(5) In section 30, the words "Cantonment Magistrate" shall be substituted for the words "Magistrate before whom such driver or other attendant shall be brought."

(6) In the title and in the preamble the words "Cantonment of Baroda" shall be substituted for the words "Town, suburbs and Harbour of Bombay."

(7) In section 1, the words "said cantonment" shall be substituted for the words "jurisdiction of the Commissioner of Police of Bombay."

(8) In section 2, the word "cantonment" shall be substituted for the word "jurisdiction."

(9) For section 7, the following section shall be substituted :—

"7. For every such license there shall be levied a fee at the rate of one rupee per mensem for the period for which the license is granted.

"The proceeds of such fees shall be credited to the Cantonment Fund."

(10) In section 14, the words "Governor-General" shall be substituted for the word "Governor" and the words "Governor of Bombay" respectively, and the words *Gazette of India* for the words *Bombay Government Gazette*.

(11) In section 19, the word "Office" shall be substituted for the word "Offices."

(12) For the portion of section 24 commencing with and inclusive of the word "Court," where it first occurs, the words "Officer, who shall report the case to the Cantonment Magistrate," shall be substituted.

II. On and from the date of this Notification the portion of the Bombay Government Notification No. 663, dated the 19th December 1882, published in the *Bombay Government Gazette* dated 21st December 1882, which provided for a fee of one rupee per mensem for every vehicle kept to ply for hire in the Cantonment of Baroda, shall be cancelled.

No. 3129 *I.*—Under the provisions of Section XIV of Bombay Act VI of 1863, as modified in Notification No. 3128 I., dated the 18th August 1884, the Governor-General in Council is pleased to sanction the following Table of Fares for Public Conveyances in the Cantonment of Baroda :—

From Camp to	First Class.		Second Class.		Third Class.	
		and back.		and back.		and back.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Baroda Railway Station	0 10 0	0 14 0	0 7 0	0 10 0	0 4 0	0 6 0
Goa Gate Railway Station	1 0 0	1 8 0	0 11 0	1 0 0	0 8 0	0 12 0
Vishwamintree Railway Station ...	0 14 0	1 7 0	0 9 0	0 14 0	0 6 0	0 9 0
Public Park	0 6 0	0 8 0	0 5 0	0 7 0	0 3 0	0 5 0
City Kothi, Raopura or Dandia Bazar ...	0 9 0	0 13 0	0 6 0	0 9 0	0 5 0	0 7 0
Mandwi, comprising Nazar Bag, Gendi Champaneri and Pani Gate.	0 12 0	1 0 0	0 9 0	0 12 0	0 7 0	0 10 0
Agad	0 14 0	1 4 0	0 10 0	0 14 0	0 8 0	0 12 0
Varashaw Parade Ground	1 0 0	1 8 0	0 11 0	1 0 0	0 9 0	0 14 0
Moti Bag and Kenda Bag	0 14 0	1 4 0	0 10 0	0 14 0	0 8 0	0 13 0
Race-course	0 14 0	1 4 0	0 10 0	0 14 0	0 8 0	0 12 0
Bhotadis Zampa	0 12 0	1 0 0	0 9 0	0 12 0	0 7 0	0 10 0
Makarpura	2 0 0	2 8 0	1 8 0	2 0 0	1 0 0	1 8 0
Residency and Rewa Kanta Bungalow ...	0 6 0	0 8 0	0 5 0	0 7 0	0 3 0	0 5 0
In Camp limits	0 6 0	0 8 0	0 4 0	0 6 0	0 3 0	0 5 0
For the whole day from 7 A.M. to 7 P.M. ...	3 0 0	.....	2 0 0	.....	1 0 0	.....
Mia Muhammad's Wadi	1 0 0	1 8 0	0 11 0	1 0 0	0 9 0	0 14 0

(1) Shigrams detained by the hirer for more than an hour, excluding the time taken in going to and returning from a place, shall be paid for at the rate of 4 annas for a first class, 3 annas for a second class, and 2 annas for a third class carriage. No charge shall be allowed for a detention up to one hour only.

(2) For conveyance to places not specified in the above table, fare must be paid according to the following rates :—

(*a*) For any distance not exceeding one mile,—8 annas for a first class, 6 annas for a second class, and 4 annas for a third class carriage.

(*b*) For any distance exceeding one mile,—at the rate of 6 annas for a first class, 4 annas for a second class, and 2 annas for a third class carriage for every mile, and for any part of a mile above any number of miles completed.

(*c*) Return hire shall be paid at the rate of half of the above scale per mile.

(3) The rates are calculated in the British Government Currency.

No. 3130 *I.*—It is hereby notified that from the date of the Notification of the Government of India in the Foreign Department, No. 135 I., dated the 11th January 1884, so much of the Bombay Government Notification No. 663, dated the 19th December 1882, as related to the imposition of a consolidated rate on the annual value of houses, buildings and land within the Cantonment of Baroda shall be deemed to have been cancelled.

No. 3136 *I.*—Whereas His Highness the Nawab of Tonk has ceded to the British Government full jurisdiction within those portions of land which lie within his State and are occupied by the railways comprised in the Rajputana-Malwa Railway System (including land occupied as stations, outhouses, and for other purposes of the said railways) : In exercise of such jurisdiction and of the powers conferred by Sections 4 and 5 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to declare as follows :—

(1) Act No. IV of 1879 (The Indian Railway Act, 1879) is extended to the aforesaid portions of land, subject to the following modifications, namely, in the second and third paragraphs of Section 1, and in Section 50, the words "a Presidency Magistrate and" shall be omitted.

(2) In exercise of the power conferred by Section 4 of the said Indian Railway Act, 1879, the Governor-General in Council is pleased to sanction the use of locomotive engines, or other motive power and carriages and wagons to be drawn or propelled thereby, on the aforesaid portions of land.

(3) In exercise of the power conferred by Section 53 of the said Indian Railway Act, 1879, the Governor-General in Council is pleased to declare that the Agent to the Governor-General in Rajputana shall be deemed to be, for the purposes of the said Act, the Local Government in respect to the aforesaid portions of land.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 20th August 1884.

The following Corrigendum to the Codes of the Financial Department is published for general information :—

No. 2926.

C. P. C.

PAGE 48.

Section 103, Rule 2.

Strike out this Rule.

The 21st August 1884.

No. 2940.—Mr. A. D. Carey, Commissioner of Northern India Salt Revenue, having been granted privilege leave for three months, made over charge of his duties and availed himself of his privilege leave after noon on the 18th August 1884.

Mr. A. B. Patterson, having been appointed to officiate as Commissioner of Northern India Salt Revenue during the absence on privilege leave of Mr. A. D. Carey, assumed charge of his duties after noon on the 18th August 1884.

No. 2941.—The following Order issued by Her Majesty the Queen in Council is published for general information, in supersession of the Order published under Notification No. 182, dated the 17th January 1880 :—

AT THE COURT AT WINDSOR,

The 26th day of June 1884.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the Merchant Shipping Act, 1876, it is enacted that, when the Legislature of any British Possession provides for the survey of and grant of Certificates for passenger steamers, and the Board of Trade report to Her Majesty that they are satisfied that the Certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the Certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, it shall be lawful for Her Majesty by Order in Council—

(1) to declare that the said Certificates shall be of the same force as if they had been granted under the said Acts; and

(2) to declare that all or any of the provisions of the said Acts which relate to Certificates granted for passenger steamers under those

Acts shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the Certificates referred to in the order; and

(3) to impose such conditions and to make such regulations with respect to the said Certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

And whereas it was made to appear to Her Majesty that the Legislature of the British Possession of Bombay had provided for the survey of and grant of Certificates for passenger steamers.

And whereas the Board of Trade reported to Her Majesty that they were satisfied that such Certificates were to the like effect, and were granted after a like survey, and in such manner as to be equally efficient with the Certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping.

And whereas by Order in Council dated the 28th day of October 1879, Her Majesty was pleased, by and with the advice of Her Privy Council, to declare that the certificates granted by the Legislature of the British Possession of Bombay for passenger steamers should be of the same force as if they had been granted for the same purpose in the United Kingdom under the said Acts relating to Merchant Shipping; and that all the provisions of the said Acts which relate to Certificates granted for passenger steamers under those Acts should, subject to certain modifications expressed in the said Order, apply to the Certificates referred to therein.

And whereas it has been made to appear desirable to Her Majesty that the provisions of the said recited Order in Council of the 28th day of October 1879 should be revoked, and a new Order in Council made and substituted in lieu thereof.

Now, therefore, Her Majesty, in virtue of the powers vested in Her by the said recited Act, by and with the advice of Her Privy Council, is pleased to direct that the said recited Order in Council of the 28th day of October, 1879, shall be and the same is hereby revoked, and in lieu thereof, and in substitution therefor, Her Majesty is hereby pleased, by and with the advice of Her said Privy Council, to declare as follows, *viz.*:—

(1) that the Certificates granted under the said provision by the Legislature of the British Possession of Bombay for passenger steamers shall be of the same force as if they had been granted for the same purpose in the United Kingdom under the said Acts relating to Merchant Shipping.

(2) that all the provisions of the said Acts which relate to certificates granted for passenger steamers under those Acts shall, without modification, except as hereinafter mentioned, apply to the Certificates referred to in this Order.

(3) that it shall not be lawful for a passenger steamer to which this Order relates to proceed to sea with passengers on board from any port or place in the United Kingdom on any voyage to any port in Canada or the United States of America.

(4) that if any such passenger steamer goes to sea from any place in the United Kingdom with any passengers on board upon any voyage to any port in Canada or the United States of America, the owner thereof shall for every such offence incur a penalty not exceeding fifty pounds, and such penalty is hereby imposed accordingly.

C. L. PEEL.

The Indian Civil Service Family Pension Regulations, established under the orders of the Secretary of State for India, for the provision of pensions for the widows and orphans of covenanted civilians in the service of the Government of India.

The following regulations are designed to secure suitable provisions for the widows and orphans of members of the Covenanted Indian Civil Service not being subscribers to the Bengal, Madras, or Bombay Civil Funds.

The Secretary of State for India in Council reserves to himself the absolute right to regulate from time to time the contributions to be required from Civil Servants under these regulations, and to make any alterations in the regulations themselves that may appear to him equitable: provided always that the scale of pensions fixed thereby shall not be reduced in the case of actual incumbents. The Secretary of State in Council will endeavour to adjust the contributions to be levied from officers exactly, so that they shall neither be too large nor too small to supply the pensions provided for by these regulations. But if it should appear on experience that they have been fixed too low, the Government will not require any supplementary retrospective payments; and if they are found to have been fixed too high, no claim to refund will be admitted.

No insurance fund is established by these regulations. The contributions will be credited and the pensions charged directly to the Indian revenues as civil receipts and charges. But in order to adjust the rates of contribution from time to time to what is necessary to supply the pensions provided for by these regulations, and no more, a separate *pro formâ* account will be kept of all contributions levied and all payments made under these regulations, and of the interest which would have been allowed upon such contributions if a mutual insurance fund had actually been established.

In accordance with the principle announced in this notification, that the Government does not intend that the pensions provided by these regulations shall bring any charge on the Indian revenues in excess of the amount specially sanctioned for the purpose, the rates of interest and of exchange with England, to be allowed in this *pro formâ* account, will be the rates which may be fixed from time to time by the Secretary of State in Council, upon a consideration of the market rates of the day. For the present the rates to be used are 4½ per cent. interest, and 1*s.* 8*d.* per rupee exchange; and the contributions now prescribed have been calculated at these rates.

All needful statistics of ages, births, deaths, and marriages will be carefully registered, and these statistics, with the *pro formâ* accounts, will be submitted at such periods as may be determined by the

Secretary of State in Council to such actuary or actuaries as he may select, with instructions to investigate and ascertain whether the rates of contribution are such as will, at the rate of interest and exchange then to be reconsidered and refixed, supply the pensions payable under these regulations, and no more. The expense of such actuarial inquiries and reports shall be debited in the *pro formâ* accounts reported upon.

Upon the report of the actuary or actuaries the Secretary of State in Council will order any necessary alterations in the rates of contribution.

The report of the actuary or actuaries, with the orders of the Secretary of State in Council thereupon, shall be published in the *Gazette of India*, and no alteration ordered in the rates of contribution will take effect before the beginning of the month following the date of such publication. No retrospective adjustments will be made.

The benefits provided at the cost of the State are shown in the regulations; but should it at any time appear from a valuation that the aggregate liabilities on account of those benefits, when the pension list shall have reached a normal state, will exceed 35,000*l.* per annum, they will be subject to such reduction as may be necessary to restrict the annual assistance to 35,000*l.* per annum, but the reduction shall in no case affect the benefits payable to incumbent annuitants.

REGULATIONS FOR THE PROVISION OF PENSIONS FOR THE WIDOWS AND ORPHANS OF COVENANTED CIVILIANS IN THE SERVICE OF THE GOVERNMENT OF INDIA.

1. Every covenanted civil servant, not being entitled to the benefits of any of the late Civil Funds, must, as a condition of his appointment, make the contributions and payments prescribed by these regulations according to his class, whether he is married or unmarried, and with or without children. Subscriptions will commence from the date of arrival in India.

2. For the purposes of these regulations, civil servants are classed as follows:—

Class I.—From 18 years' completed service.
" II.—From 15 to 18 years' completed service.
" III.—From 12 to 15 years' completed service.
" IV.—From 7 to 12 years' completed service.
" V.—Up to 7 years' completed service.

3. The pensions provided under these regulations are payable quarterly in advance, on or after 1st January, 1st April, 1st July, and 1st October.

4. The amounts of the pensions provided are as follow:—

TABLE I.—Annual Pension to a Widow during Widowhood, according to the Class of her Husband at the time of his death.

		CLASS OF HUSBAND AT DEATH.				
		I.	II.	III.	IV.	V.
In Europe	Provided by Subscriber	£ 300	£ 240	£ 180	£ 140	£ 100
	Ditto Government	...	60	120	110	150
	Total ...	300	300	300	250	250
In India	Provided by Subscriber	Rs. 3,600	Rs. 2,880	Rs. 2,160	Rs. 1,680	Rs. 1,200
	Ditto Government	...	720	1,440	1,320	1,800
	Total ...	3,600	3,600	3,600	3,000	3,000

Widows retain half pension on re-marriage and revert to full rate on second widowhood.

TABLE II.—Annual Pensions to the Orphan Children of all Classes alike.

		From birth till age of 6 years.	From age of 6 till age of 12 years.	From age of 12 till age of 21 years for boys, and for girls till marriage
In Europe	Provided by Subscriber	£ s. d. 18 15 0	£ s. d. 37 10 0	£ s. d. 75 0 0
	Ditto Government	6 5 0	12 10 0	25 0 0
	Total ...	25 0 0	50 0 0	100 0 0
In India	Provided by Subscriber	Rs. 225	Rs. 450	Rs. 900
	Ditto Government	75	150	300
	Total ...	300	600	1,200

The pensions of motherless orphans at all ages will be made up by the Government to 100*l.* or Rs. 1,200 per annum.
On marriage, daughters will be granted a donation of 250*l.*, to be provided by the Government.

5. The pension of a minor orphan will be paid to his or her mother, or other duly appointed or recognized guardian.

Contributions.

6. The contributions for pensions under these regulations, and the pensions of widows, will be regulated by the class of the contributing member. A subscriber cannot secure a higher pension for his widow by contributing as if he belonged to a higher class.

7. Contributions will be deducted from salaries at the time of issue.

8. The circumstance that an officer is not in receipt of pay does not relieve him from the necessity of paying his contributions.

9. *Donations* may be paid in one sum, or in 12 equal monthly instalments. If a donation be paid in instalments, interest on the unpaid portion will be levied at the rate of 4½ per cent. per annum. The balance of any contribution due at an officer's death will be recovered rateably, without interest, from the pensions of his widow and orphans in four quarterly instalments.

10. Contributions which become due from subscribers when in Europe must be paid in England in sterling. If a subscriber, previous to quitting India, has commenced the payment of any donation by instalments, he may either complete the payment of the donation in India before leaving or pay the remaining instalments in England at English rates.

11. The following are the rates of donations, disparity fines, and monthly contributions prescribed for the present :—

TABLE III.—Donations on entering the service married, on marriage or re-marriage, according to the age of Members.

Member's age on marriage.	Donation. In India.	Donation. In Europe.	Member's age on marriage.	Donation. In India.	Donation. In Europe.
	Rs.	£		Rs.	£
21 ...	720	60	39 ...	2,280	190
22 ...	748	62	40 ...	2,640	220
23 ...	768	64	41 ...	3,120	260
24 ...	816	68	42 ...	3,600	300
25 ...	864	72	43 ...	3,960	330
26 ...	912	76	44 ...	4,320	360
27 ...	960	80	45 ...	4,620	385
28 ...	1,008	84	46 ...	4,920	410
29 ...	1,056	88	47 ...	5,220	435
30 ...	1,104	92	48 ...	5,400	450
31 ...	1,152	96	49 ...	5,640	470
32 ...	1,200	100	50 ...	5,880	490
33 ...	1,260	105	51 ...	6,060	5 5
34 ...	1,320	110	52 ...	6,240	520
35 ...	1,380	115	53 ...	6,420	535
36 ...	1,500	125	54 ...	6,720	560
37 ...	1,680	140	55 ...	6,960	580
38 ...	1,920	160	56 ...	7,200	600

Disparity of Age.

TABLE IV.—If the age of the husband exceed that of the wife by six years or more, then the marriage donation shall be increased according to the following scale :—

Member's age.	DIFFERENCE OF AGE BETWEEN HUSBAND AND WIFE.																												
	Up to	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35
21	0	1	2																												
22	0	1	2	4																											
23	0	1	2	4	6																										
24	0	1	3	5	7	9																									
25	0	1	3	5	8	10	12																								
26	0	2	4	6	9	11	14	16																							
27	0	2	4	7	10	13	16	19	21																						
28	0	2	5	8	11	15	18	22	25	28																					
29	0	3	6	9	13	17	21	25	29	32	35																				
30	0	3	7	11	16	19	26	31	36	40	40	47																			
31	0	4	8	13	19	22	31	37	42	47	46	57	61																		
32	0	5	10	16	22	26	36	42	49	55	53	66	71	76																	
33	0	6	12	19	26	31	41	48	55	62	63	76	82	87	92																
34	0	7	14	22	30	38	46	54	62	70	78	86	93	99	104	108															
35	0	8	17	27	37	47	57	69	80	89	97	105	111	116	120	123	126														
36	0	9	21	32	44	58	68	83	98	109	122	124	128	132	136	139	142	146													
37	0	11	24	37	50	67	80	98	115	128	142	142	146	149	152	155	159	163	160												
38	0	13	28	42	57	76	91	112	133	148	161	161	163	165	168	171	175	180	187	192											
39	0	15	31	47	64	82	102	127	151	167	175	180	181	182	184	187	191	197	205	211	215										
40	0	16	34	51	69	88	108	133	156	173	186	191	195	197	200	203	210	219	230	236	238	243									
41	0	17	37	55	74	94	115	138	161	179	194	202	209	212	215	219	220	242	255	261	262	268	271								
42	0	19	40	60	80	100	121	144	166	185	200	214	222	228	231	235	240	264	280	285	286	292	295	298							
43	0	21	43	64	85	106	128	149	171	191	208	225	236	243	246	253	258	287	305	310	312	317	320	323	326						
44	0	23	46	68	90	112	134	155	176	197	215	236	250	258	263	272	277	309	329	335	338	342	345	348	351	354					
45	0	24	48	73	95	119	142	165	187	209	230	249	264	274	281	292	302	331	349	360	366	371	375	379	384	388	392				
46	0	25	51	76	100	126	151	175	199	222	243	262	278	290	300	313	331	354	372	385	393	399	405	411	416	422	427	432			
47	0	26	53	79	106	133	159	185	210	234	256	275	292	307	320	335	353	376	396	411	420	428	435	442	449	455	462	469	475		
48	0	27	56	83	111	140	168	195	222	247	270	288	306	323	339	356	375	399	419	436	447	456	465	474	481	489	497	505	513	520	
49	0	29	58	87	116	146	176	205	233	259	282	301	320	339	358	377	397	421	443	461	474	485	495	505	514	523	532	541	550	558	566
50	0	30	60	91	121	152	183	213	242	269	294	318	340	360	380	398	418	442	467	487	501	513	525	536	547	557	568	578	588	598	608
51	0	31	62	94	126	158	190	221	251	280	308	335	359	381	401	419	439	463	491	512	528	541	554	567	579	591	603	615	626	637	647
52	0	32	64	97	130	163	197	232	264	294	322	351	375	397	418	440	464	491	515	539	556	571	585	599	612	625	638	650	662	674	686
53	0	33	66	100	134	168	204	242	276	308	338	366	392	414	436	461	489	518	544	566	584	600	615	630	644	658	672	685	698	711	724
54	0	34	68	103	138	173	211	253	288	322	352	382	408	428	454	482	514	546	581	583	612	630	645	661	676	691	706	720	734	748	762
55	0	35	70	106	142	178	18	262	301	336	366	397	421	443	471	503	536	574	577	609	640	660	675	692	708	724	740	755	770	785	800
56	0	36	72	109	146	183	225	273	314	350	380	413	437	459	489	524	564	602	594	617	668	690	705	723	740	757	774	789	808	822	840

The amounts in this table are in pounds sterling, and are convertible into rupees at the rate of exchange fixed from time to time, the present rate being 1s. 8d. the rupee.

TABLE V.—Monthly Contribution by every Subscriber according to his Class.

Class.	Years' service.	By each married Subscriber. In India.	By each married Subscriber. In Europe.	By each Subscriber who is unmarried or a widower. In India.	By each Subscriber who is unmarried or a widower. In Europe.
		Rs.	£ s. d.	Rs. A. P.	£ s. d.
V	0 to 7	20	1 13 4	15 0 0	1 5 0
IV	7 to 12	34	2 16 8	21 0 0	1 15 0
III	12 to 15	52	4 6 8	31 3 2	2 12 0
II	15 to 18	82	6 16 8	43 3 2	3 12 0
I ...	18 and over	116	9 13 4	...	...
	18 to 23	...	...	57 0 0	4 15 0
	23 to 28	...	...	69 0 0	5 15 0
	28 till retirement	...	...	87 0 0	7 5 0
After retirement irrespective of class.		50	4 3 4	35 0 0	2 18 4

TABLE VI.—Donation and Monthly Contribution payable by all Classes alike on the Birth of a Child, and on entering the Service for each Child then living.

	Donation. In India.	Donation. In Europe.	Monthly Contribution. In India.	Monthly Contribution. In Europe.
	Rs.	£ s. d.	Rs. A. P.	£ s. d.
For a son	225	18 15 0	6 13 10	0 11 5
For a daughter...	270	22 10 0	12 12 0	1 1 3

The monthly contribution continues in the case of sons until 21 years of age and for daughters until marriage.

Arrears.

12. Interest at the rate of 4½ per cent. per annum will be charged on arrears. Donations will become due from the date on which the liability is incurred, *viz.*, on marriage or on the birth of a child; but interest will not be charged on sums paid within one month from the date on which they become due.

Reports of Marriages, Births, and Deaths.

13. **A Civil Servant who is married at the date of his admission into the service must report the fact of his marriage* at the time, and the names and dates of birth of his children, if any have been born to him. A member in the service must report his marriage,* or the birth of a child born in wedlock, or the death of a wife or child, within one month of the occurrence, to the Accountant General in the Presidency to which he belongs, or the Director of Funds, India Office, when an officer is out of India.**

14. The birth of every child born alive must be reported; but if a child die before it is 30 days, old, no payment in respect to it will be required.

15. If the report of a marriage, or of the birth of a child be not made within one month of the occurrence, the donation payable in each case will be increased 2½ per cent., and interest thereon charged from the date of marriage or birth of the child. After six months' delay, donations will be increased 5 per cent., and interest charged in the usual manner.

16. In the event of the report of a marriage or the birth of a child not being made by a subscriber during his lifetime, in accordance with the rules, the widow or child will not be entitled to any benefits.

Posthumous Child.

17. A pension will be granted to a posthumous child on payment of the donation prescribed in Table VI, which may be recovered by four quarterly instalments.

Duration of Pensions.

18. **If a widow re-marry, she will retain half her pension during coverture; but if she again become a widow, she will be entitled to revert to full pension as widow of her first husband, or, if her last husband have been a contributor, to receive a pension at her option as his widow. A widow can only receive one pension.**

19. The pension of a male orphan is payable until he attains the age of 21 years.

20. The mother or guardian of a male orphan who has completed the age of 16 may, at any time thereafter, have the residue of his pension commuted into a single payment, for the due application of which the mother or guardian will be held responsible.

21. **The pension of a female orphan continues until her marriage, and then ceases absolutely. It does not revive on widowhood.**

Good Conduct.

22. **The pensions provided under these regulations shall in all cases be held during good behaviour only, and will be withheld if any pensioner is found to be leading an immoral life, or on proof**

* Reports of marriage must be accompanied by a certified copy of the registry, together with the dates of birth of the member and his wife.

of any gross misconduct. The order of the Secretary of State for India in Council in any such case shall be final and conclusive.

Alienation of Pension.

23. A pension paid under these regulations may not be transferred or assigned, or in any way alienated from the pensioner to whom or for whose benefit it is payable.

Retired Members.

24. All members who retire from the service on annuities may continue to subscribe at the monthly rates laid down in these regulations.

25. Married annuitants may commute their monthly contribution by a single payment representing the value thereof during the joint lives of husband and wife.

26. In the event of the wife dying after the date of commutation, contribution at the unmarried rate must be resumed, or, as an alternative, it may be commuted.

27. An annuitant who has commuted will on re-marrying become liable for marriage donation and the difference between the married and unmarried rates of contribution, or the commuted value on the joint lives.

28. Widowers and bachelors may also commute their monthly contribution for life. On each subsequent marriage they will become liable for the donation and difference of contribution laid down in the previous article.

29. Donation and contribution or its commuted value must be paid for all children born to a subscriber after his retirement from the service.

30. An annuitant withdrawing his name from the list of subscribers will forfeit all claim to pension in respect of his widow and children, and will not be entitled to any refund of his payments under these regulations.

Dismissed Members.

31. A subscriber who is dismissed the service by competent authority will cease, *ipso facto*, to be a contributor. He will have no claim to any refund, and his family will not be entitled to any pensions under these regulations.

Certificates.

32. Declarations as to continued widowhood and the survival of children must be furnished quarterly to the Accountant General, India Office, by whom pensions in Europe are paid under the authority of the Director of Funds, or to the proper officer in India.

Note.—In England all reports and applications for pensions must be made to the Director of Funds, India Office, London, S.W.

The 20th August 1884.

No. 2878.

ORDER—By the Government of India, Department of Finance and Commerce.

Read—

Despatch from Her Majesty's Secretary of State for India, No. 5 (Financial—Funds), dated 19th June 1884, laying down rules for the grant of pensions to the families of civil servants appointed to the Covenanted Service in 1881 and subsequent years.

ORDER.—Ordered, that the Code of Regulations framed by the Secretary of State be published in the *Gazette of India* for general information, copies being forwarded to the Home Department and to all Local Governments for distribution among members of the Covenanted Civil Service serving under the Government of India and the Local Governments respectively who were appointed to the Service in the year 1881 and subsequently.

Ordered further, that copies of the Code be forwarded to all Accountants General for information.

The 22nd August 1884.

No. 2979.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read again—

Resolution by the Government of India in the Department of Finance, No. 3164, dated 8th October 1878.

Read also—

Letter from Director General of Post Offices, No. 9335, dated 6th January 1879, and enclosures.

Letter from Director General of Post Offices, No. 10641, dated 10th February 1879, and enclosure.

Letter from Madras Chamber of Commerce, dated 16th November 1878.

Letter from Calcutta Trades Association, dated 10th January 1879,

Ditto ditto dated 3rd March 1879, and enclosure.

Letter from Madras Trades Association, dated 13th February 1879, and enclosure.

RESOLUTION.—In the Notification published by the Director General of Post Offices on 1st November 1877, in which the introduction of the "value-payable" system in respect of inland parcels was announced, it was intimated that "the system of 'value-payable' parcels would shortly be extended to 'overland parcels' booked in London for India."

2. This intimation called forth a protest from the Calcutta Trades Association contained in a letter from the Secretary to the Association addressed to the Director General of Post Offices, dated 8th December 1877, in which objections to the intended extension of the system to overland parcels were set forth, and it was stated that the Association would prefer to "see the entire scheme abandoned rather than it should be adopted in its present objectionable form." This letter was laid before the Government of India by the Director General of Post Offices.

3. The Secretary, Calcutta Trades Association, then addressed a letter, dated 23rd February 1878, to the Government of India. In this it was stated that the Committee of the Association were of opinion that the requirements of the general public were fully met, so far as Government is justified in providing for them, by the facilities of procuring goods from England by the overland parcel post, and of paying for them by money orders; that it is not a part of the duty of the Government of India to collect bills for traders either within or without the country; that a consideration of the broad principles involved had led the Committee to alter the opinion previously expressed in favour of the introduction of the scheme as regards inland parcels; and that the Committee would now prefer to see the scheme abandoned in its entirety. It was also stated that serious injury would be caused to the interests of those engaged in trade in India.

4. The opinions of other representative bodies were then obtained on the question whether the extension of the system to overland parcels would or would not be a boon to the public.

5. The results of this enquiry were announced, and the opinion of the Government of India on the whole question was stated in the Resolution read in the preamble, which was published in the *Gazette of India*, dated 12th October 1878. With the exception of the Chamber of Commerce, Madras, and the Trades Associations of Madras and Bombay, which supported the view of the Trades Association, Calcutta, all the representative bodies consulted, including the Chambers of Commerce of Bengal and Bombay, approved of the proposed extension. The remarks of the several Trades Associations and Chambers of Commerce were invited on the Resolution, with special reference to the opinion expressed by the Bombay Trades Association that they would be inclined to look with favour on the proposed extension, if the scheme were also extended to parcels booked in India for England as well as to parcels booked in London for India.

6. The Chamber of Commerce, Madras, and the Trades Associations of Calcutta and Madras replied to this Resolution by intimating that their former views were adhered to, and advancing further arguments in support of those views. The Calcutta Trades Association also intimated that their views were shared by 177 Mofussil firms whom they had consulted. The Bombay Trades Association did not reply.

7. The Government of India believed the idea to be unfounded, that Indian tradesmen who dealt in foreign goods would be injured by the extension of the value-payable system to overland parcels. But the whole value-payable scheme, both inland and foreign, being at that time new, it was thought better to drop for the time being the foreign branch of it, to which objection was taken.

8. Since that decision further experience has been gained in the inland value-payable system. The following table shows the number and value of articles transmitted by value-payable post since the introduction of the system:—

Year.	Number.	Value.
		Rs.
1877-78	413	6,721
1878-79	7,408	1,32,109
1879-80	25,569	3,40,857
1880-81	49,389	5,76,574
1881-82	99,416	10,80,543
1882-83	1,74,301	16,86,098
1883-84	2,64,266	25,07,649

9. These figures conclusively prove the growing appreciation of the value-payable post, both by the general public and by tradesmen. The Governor General in Council is disposed to think that the opposition formerly shown to the scheme may prove to have been modified by the experience which has been gained of the working of the inland value-payable system, and that, in so far as the extension of the system to the overland parcel post would facilitate the importation of small objects of European manufacture into India, the measure, while not injurious to tradesmen, would be of great advantage and convenience to the general public. It is believed that the German Post Office now exchanges annually more than a million value-payable articles with other countries, and that it also has an Agency in England. There seems to be no reason why similar facilities should not exist between India and England.

10. Before, however, proceeding further in the matter, the Governor General in Council desires to ascertain the present state of public opinion on the subject.

11. He therefore directs that this Resolution be published in the *Gazette of India*, and that it be communicated—

(*a*) to all Local Governments and Administrations, with the request that they will consult representative bodies and individuals in their respective jurisdictions, and send copies of the replies, together with their own opinion, on the proposal;

(*b*) to the Chambers of Commerce and the Trades Associations of Calcutta, Madras and Bombay, with the request that they will communicate their opinion on the proposal; and

(*c*) to the Director General of the Post Offices of India.

No. 2981.—Mr. A. B. Steward having been appointed, to officiate as Post Master General, Bombay, in consequence of the deputation of Mr. A. U. Fanshawe to officiate as Director General of the Post Office of India, *vice* Mr. H. E. M. James, deputed on special duty to Europe, Mr. Fanshawe made over, and Mr. Steward received, charge of the office of the Post Master General, Bombay, after noon on the 10th August 1884.

Colonel W. Moore Lane, Post Master General, Punjab, having been granted privilege leave for three months, and Mr. J. R. Macouachie having been appointed to act for him, Colonel Lane made over, and Mr. Macouachie received, charge of the duties of Post Master General, Punjab, before noon on the 13th August 1884.

Mr. A. U. Fanshawe, Post Master General, Bombay, having been appointed to officiate as Director General of the Post Office of India during the absence of Mr. H. E. M. James, on deputation on special duty to Europe, Mr. James made over, and Mr. Fanshawe received, charge of the office of the Director General of the Post Office of India after noon on the 14th August 1884.

No. 2986.—Mr. A. C. Tupp, Accountant General, North-Western Provinces and Oudh, having been granted privilege leave for one month and 17 days, made over charge of his duties before noon on the 11th August 1884.

Mr. J. E. Cooke, Deputy Accountant General, North-Western Provinces and Oudh, having been appointed to officiate as Accountant General, North-Western Provinces and Oudh, during the absence on privilege leave of Mr. A. C. Tupp, received charge of the said office before noon on the 11th August 1884.

Mr. T. H. S. Biddulph, Assistant Accountant General, North-Western Provinces and Oudh, having been appointed to officiate as Deputy Accountant General, North-Western Provinces and Oudh, *vice* Mr. J. E. Cooke, appointed to officiate as Accountant General, received charge of the said office before noon on the 11th August 1884.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 22nd August, 1884.

APPOINTMENTS.

No. 452.—STAFF CORPS—

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

Lieutenant Percy Balderston Vaughan, Bedfordshire Regiment, Wing Officer, 6th Native Infantry,—4th July, 1883.

FURLOUGH AND LEAVE.

No. 453.—Lieutenant E. B. Anderson, R.A., Commissary of Ordnance, 3rd class, is granted general leave from the 21st May to the 11th June, 1884.

LONDON GAZETTE.

No. 454.—The following extracts are published for general information:—

London Gazette, dated the 11th July, 1884; page 3176.

INDIA OFFICE;
11th July, 1884.

The Queen has approved of the retirement from Her Majesty's Indian Military Forces of the undermentioned officers:—

Lieutenant-Colonel and Brevet Colonel Otway Francies Smithers, of the Madras Staff Corps. Dated 4th July, 1884.

The Gazette of India.

PUBLISHED BY AUTHORITY.

N° 35. SIMLA, SATURDAY, AUGUST 30, 1884.

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

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SUPPLEMENT No. 35.

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

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 27th August 1884.

No. 1353.—The Governor General in Council has been pleased to appoint Mir Shujáat Ali Khan, a Probationer in the Madras Presidency, to be a Member of the Civil Service of that Presidency, in accordance with the rules issued under Section 6 of the Statute 33 Vic., cap. 3.

ESTABLISHMENTS.

The 25th August 1884.

No. 209.—Mr. J. Monro is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 1st July 1884.

The 27th August 1884.

No. 217.—*Erratum.*—In Home Department Notification No. 178, dated the 11th July 1884, appointing Mr. Luttman-Johnson, C.S., to officiate as Judge and Commissioner, Assam Valley Districts, for "during the absence on furlough of Mr. C. J. Lyall, M.A., C.S.," read "during the absence on deputation of Mr. W. E. Ward, M.A., C.S."

MEDICAL.

The 29th August 1884.

No. 363.—Surgeon-Major R. C. Sanders, M.D., Officiating Ophthalmic Surgeon and Professor of Ophthalmic Surgery, Medical College, Calcutta, is appointed, in addition to his own duties, to act as Surgeon Superintendent of the Presidency General Hospital, Calcutta, during the absence on leave of Surgeon-Major E. A. Birch, M.D., or until further orders.

No. 365.—The services of Deputy Surgeon-General A. J. Payne, M.D., are placed at the disposal of the Military Department, with effect from the 9th September 1884, the date on which he completes five years' service in the administrative grade.

No. 366.—Deputy Surgeon-General B. Simpson, C.B., Surgeon-General, Punjab, to be Surgeon-General, Bengal, in succession to Deputy Surgeon-General A. J. Payne, M.D.

No. 367.—The services of Deputy Surgeon-General A. J. Cowie, Officiating Surgeon-General, Bengal, are placed at the disposal of the Military Department, with effect from the date on which Dr. B. Simpson, C.B., assumes charge of his appointment as Surgeon-General, Bengal.

No. 368.—Deputy Surgeon-General A. M. Dallas, Officiating Surgeon-General, Punjab, is confirmed in that appointment, with effect from the 9th September 1884.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—SURVEYS.

Simla, the 26th August 1884.

No. 458-92—85 *S.*—The services of the following officers of the Survey of India Department are placed at the disposal of the Foreign Department for employment in connection with the Afghan Boundary Commission :—

Major J. Hill, R.E., Deputy Superintendent.
Captain St. G. C. Gore, R.E., Officiating Deputy Superintendent.
Lieutenant the Honourable M. G. Talbot, R.E., Officiating Deputy Superintendent.

E. C. BUCK,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—POLITICAL.

Simla, the 23rd August, 1884.

No. 2394 *E.*—The Governor-General in Council has been pleased to approve of the following regulations, under which the Political Resident in the Persian Gulf and the Political Agent at Muscat are authorised to grant certificates, on certain conditions, to owners of unregistered vessels belonging to the Indian subjects of Her Majesty the Queen-Empress, or to the subjects of Native Chiefs of India in subordinate alliance with the Government of India, trading within the limits of the Gulfs of Persia and Oman, from the vicinity of Mohammerah on the Karoon to Gwadur on the Mekran Coast, on the one side; and from the vicinity of Basrah on the Shat-ul-Arab to Ras Sájir or Sáir on the Arabian Coast, on the other. These certificates will be recognised as passes by Her Majesty's Consular and Naval Officers and by all British authorities to whom they may be exhibited :—

A.—The certificate or pass is to be granted only to such vessels as by reason of their owners residing outside Indian territory, or of their never visiting a port of registry, cannot obtain a proper certificate of registration.

B.—Before issuing any such certificate or pass, the Consul is to satisfy himself, by such evidence as he may be able to procure, that the vessel is owned in the manner described in the preamble, and is lawfully employed.

This evidence should be taken down in writing and signed by the person or persons giving it.

C.—A copy of the certificate or pass, with the written evidence annexed, should, in each case, be sent to the Foreign Department of the Government of India for transmission to Her Majesty's Board of Trade to be recorded.

D.—The certificate is to be given in the following form :—

FORM OF CERTIFICATE.

Certificate for unregistered vessels plying or trading within the limits of the Gulfs of Persia and Oman from the vicinity of Mohammerah on the Karoon to Gwadur on the Mekran Coast, on the one side; and from the vicinity of Basrah on the Shat-ul-Arab to Ras Sájir or Sáir on the Arabian Coast, on the other.

Name of vessel of tons
Name of owner
Name of master
Number of crew
Place of build or purchase
Date of build or purchase
Number of decks
Number of masts
Rig
Stern
Build
Galleries
Head
Framework.

After due enquiry into the ownership of the above vessel, I certify, upon the evidence adduced before me, that she is *bonâ fide* owned by British subjects duly qualified to own British ships (or as the case may be), by persons who, being the subjects of , a Prince (or State) in India in subordinate alliance with Her Majesty, are entitled to British protection.

This certificate is valid only for the period of one year from date.

Given at this day of 18 .

The 28th August, 1884.

No. 3267 *I.*—With reference to Foreign Department Notification, No. 9 D.C.P., dated the 1st January, 1877, His Excellency the Viceroy and Governor-General is pleased to declare that the title of "Raja Mushir-i-Khas Bahadur," which was therein conferred as a personal distinction upon Raja Sir Dinkar Rao, K.C.S.I., shall henceforth be hereditary.

GENERAL.

The 26th August, 1884.

No. 1649 *G.*—Mr. W. Lee-Warner, Bombay Civil Service, is appointed to be Junior Under-Secretary in the Foreign Department, sub. *pro tem.*, with effect from the 26th August, 1884, *vice* Lieutenant-Colonel J. W. Ridgeway, seconded.

JUDICIAL.

The 28th August, 1884.

No. 3259 *I.*—In modification of the Notification of the Government of India in the Foreign Department, No. 1008 I., dated the 21st March, 1884, the Governor-General in Council is pleased to invest the Assistant to the Superintendent of the Rajputana-Malwa Railway Police with the powers of a Magistrate of the 2nd Class, to be exercised within those sections of the Rajputana-Malwa Railway system in Rajputana in respect to which he has been invested with 3rd class magisterial powers.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 29th August 1884.

No. 3133.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

July 1884. (Lakhs of Rupees.)

[For the explanation of these heads, see *Gazette of India*, dated 22nd December 1883, Part I, page 497.]	In July.		To end of July.		Whole year.	
	1884-85.	1883-84.	1884-85.	1883-84.	Budget, 1884-85.	Actuals (Preliminary), 1883-84.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation) ...	99	1,02	7,13	7,31	22,40	22,74
Opium ...	66	75	2,76	3,08	8,59	9,56
Salt ...	44	47	2,19	2,09	6,33	6,14
Stamps ...	34	34	1,28	1,24	3,53	3,50
Excise ...	31	31	1,33	1,26	3,80	3,83
Provincial Rates ...	13	14	94	99	2,74	2,81
Customs ...	6	7	34	42	1,29	1,19
Assessed Taxes ...	8	7	37	36	52	52
Forest (Madras and Bombay only) ...	2	2	8	8	38	34
Registration ...	3	3	11	11	26	26
Tributes from Native States ...	5	2	15	14	70	72
Other Civil Revenue ...	22	21	91	89	3,00	3,05
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT : GROSS ...	3,33	3,45	17,59	17,97	53,54	54,66
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works ...	— 21	— 24	— 1,16	— 1,20	— 3,80	— 3,74
Opium ...	— 2	— 2	— 1,94	— 98	— 2,35	— 1,86
Exchange on transactions with London ...	— 29	— 25	— 1,12	— 1,34	— 3,72	— 3,93
Other Civil Expenditure ...	— 1,61	— 1,61	— 6,43	— 6,25	— 21,08	— 19,73
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT : GROSS ...	— 2,13	— 2,12	— 10,65	— 9,77	— 30,95	— 29,26
Extraordinary Receipts ...	...	...	...	...	...	...
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net : + Receipts more, —Receipts less than issues) ...	+ 9	+ 6	+ 25	+ 17	+ 47	+ 44
Forest, Telegraph, Marine (Net as above) ...	— 3	...	— 9	— 6	— 10	— 8
Guaranteed and Subsidised Railways (Net as above)	+ 21	+ 21	+ 1,70	+ 1,91	+ 4,65	+ 4,16
Do. Repayment of Surplus profits, &c. ...	...	...	...	— 9	— 45	
Military Receipts ...	+ 4	+ 5	+ 19	+ 23	+ 88	+ 83
Military Issues ...	— 95	— 95	— 3,91	— 3,86	— 11,88	— 11,66
Public Works Department—						
State Railways Receipts ...	+ 20	+ 17	+ 1,03	+ 82	— 2,09	+ 2,42
" " Issues ...	— 36	— 31	— 1,75	— 1,41		— 4,53
East Indian Railway Receipts ...	+ 29	+ 37	+ 1,37	+ 1,68	+ 2,45	+ 4,54
" " " Issues ...	— 13	— 10	— 53	— 57		— 1,62
Ordinary Branches Receipts ...	+ 21	+ 23	+ 58	+ 62	— 4,96	+ 1,90
" " Issues ...	— 53	— 62	— 2,29	— 2,42		— 7,31
TOTAL NON-CIVIL DEPARTMENTS ...	— 96	— 89	— 3,45	— 2,98	— 11,03	— 10,91
Civil Debt and Remittance Transactions.						
Permanent Debt (Net : + Receipts more, —Receipts less than payments) ...	...	...	...	+ 1	+ 2,50	+ 2,50
Mint Certificates and Bullion Advances (Net as above) ...	— 6	+ 6	+ 12	+ 27	+ 3	+ 33
Council Bills paid (including Telegraphic) at Rs. 10 per £ ...	— 98	— 1,06	— 4,87	— 7,11	— 16,50	— 18,84
Other Debt heads (Net as above) ...	— 2	— 1	+ 35	+ 30	+ 98	— 10
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 1.06	— 1,01	— 4,40	— 6,53	— 12,99	— 16,11
GRAND TOTAL RECEIPTS AND ISSUES	— 82	— 57	— 91	— 1,31	— 1,43	— 1,62
Opening Cash Balance in Treasuries and Presidency Banks ...	13,11	14,08	13,20	14,82	12,44	14,82
Closing Cash Balance in Treasuries and Presidency Banks ...	12,29	13,51	12,29	13,51	11,61	13,20

No. 3108.—Whereas under the terms of Notification in the Department of Finance and Commerce, No. 3646, dated the 13th November 1880, the Municipality of Ahmedabad have paid Rs. 250 as composition for the stamp duty chargeable on a sum of Rs. 50,000, which the said Municipality were authorised to borrow, and which has been raised by the issue of the undermentioned debentures, dated the 1st September 1884, *viz.*,—

Nos.	Amount. Rs.
1 to 100 @ Rs. 500 each ...	50,000

In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council has exempted the abovementioned debentures from any stamp duty with which they might otherwise be chargeable, whether on issue, renewal or subdivision.

No. 3136.—Mr. H. J. Brereton, Officiating Assistant Accountant General, North-Western Provinces and Oudh, having returned from privilege leave, resumed charge of his duties before noon on the 25th August 1884.

No. 3137.—Mr. C. E. Crawley, having been relieved of his officiating appointment as Comptroller, Central Provinces, resumed charge of his duties as Assistant Accountant General, Bombay, before noon on 4th August 1884.

The following Addendum to the Codes of the Financial Department is published for general information :—

No. 3140.

C. L. C.

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Appendix C. 1.

Rule V, Paragraph 2.

Clause 2.

Insert the following Note under this Clause :—

[*Note.*—An officer in Civil employ who, when on furlough, draws one-half of the salary of his substantive office under the first clause of Rule V, § 1, derives no benefit as regards the rate of his furlough pay from departmental promotion and consequent increase to his staff salary during his furlough. His furlough pay will be increased beyond what he was entitled to at the commencement of his furlough only if he is promoted to a higher Staff Corps or Regimental rank while on furlough.—Rule V, § 2.]

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 29th August, 1884.

APPOINTMENTS.

No. 463.—MEDICAL DEPARTMENT—

Brigade-Surgeon A. M. Dallas to be a Deputy Surgeon-General, *vice* Deputy Surgeon-General A. J. Payne, M.D., Honorary Surgeon to the Viceroy, whose tour of service is about to expire, with effect from the 9th September, 1884.

No. 464.—PUNJAB FRONTIER FORCE—

1st Punjab Infantry.

Lieutenant R. H. Dawson, *Manchester* Regiment, attached to the 23rd Madras Native Infantry, to be Officiating Wing Officer, on probation.

FURLOUGH AND LEAVE.

No. 465.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Captain G. W. Martin, Bengal S. C., Assay Master, Bombay Mint, (u. p. a.) for 91 days, under rule XI of the regulations of 1868.

Surgeon-Major G. C. Chesnaye, 4th Goorkha Regiment, (p. a.) for one year and 183 days, under rule IX of the regulations of 1868.

No. 466.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Lieutenant-Colonel J. Miller, Bengal S. C., (m. c.) for two months.

Major the Hon'ble G. C. Napier, General List, Infantry, (m. c.) for one month.

Lieutenant E. E. Robertson, Bengal S. C., (p. a.) for 183 days.

LONDON GAZETTE.

No. 467.—The following extract is published for general information :—

London Gazette, dated the 29th July, 1884, page 3429.

INDIA OFFICE;
29th July, 1884.

The Queen has approved of the transfer of the undermentioned Officer to the half-pay list :—

BENGAL INFANTRY.

Major Arthur George Hartshorne. Dated 19th July, 1884.

PROMOTIONS.

No. 468.—The following promotion is made, subject to Her Majesty's approval :—

BREVET.

To be Colonel.

Lieutenant-Colonel Oswald Menzies, Bengal S. C.,—26th August, 1884.

No. 469.—In G. G. O. No. 398 of 1884, for "Madras General List, Cavalry," read *Madras Cavalry.*

No. 470.—PUBLIC WORKS DEPARTMENT—

Conductor James Keenan to be Deputy Assistant Commissary;
Sub-Conductor Edward Daintith to be Conductor;
Sub-Conductor William Henry Knight, Barrack Department, to be Conductor, Supernumerary;
Sub-Conductor Henry Mathews, Subordinate Revenue Establishment of State Railways, to be Conductor, Supernumerary;
Sub-Conductor George Taylor to be Conductor;
Sub-Conductor Richard Jackson to be Conductor;

Sub-Conductor Thomas Chapman to be Conductor;
Sub-Conductor Thomas Christie Bradley to be Conductor;
Sergeant William Jolly to be Sub-Conductor;
Sergeant Sydney James Coleman, Barrack Department, to be Sub-Conductor, Supernumerary;
Sergeant James Russell, Barrack Department, to be Sub-Conductor, Supernumerary;
Sergeant Thomas Johnston, Barrack Department, to be Sub-Conductor, Supernumerary;
Sergeant Edward Highway to be Sub-Conductor;
Sergeant Charles James Clarke to be Sub-Conductor;
Sergeant Joseph Devine to be Sub-Conductor;
Sergeant Robert Edwards to be Sub-Conductor;
Sergeant Edwin Dubery, Barrack Department, to be Sub-Conductor, Supernumerary;
Sergeant William Southcombe, Barrack Department, to be Sub-Conductor, Supernumerary;
Sergeant Charles Hilton to be Sub-Conductor;
Sergeant William Heywood to be Sub-Conductor;
Sergeant John Wilson, Barrack Department, to be Sub-Conductor, Supernumerary;
Sergeant Arthur Perks to be Sub-Conductor;
Sergeant James Tuck to be Sub-Conductor;
Sergeant John Owens to be Sub-Conductor;
Sergeant John Cheria to be Sub-Conductor;
Sergeant Michael Hanron to be Sub-Conductor;
Sergeant John Adams to be Sub-Conductor;
Sergeant Keith Ross Cameron to be Sub-Conductor;
Sergeant John Simpson to be Sub-Conductor;
Sergeant Charles Lewis to be Sub-Conductor;
Sergeant John Watson to be Sub-Conductor,—

with effect from the 12th June, 1884.

No. 471.—SUBORDINATE MEDICAL DEPARTMENT—

With reference to clause 83, India Army Circulars, 1884, the following promotions are made in the Apothecary class of the Subordinate Medical Department, Bengal, with effect from the 12th June, 1884, to complete the establishment :—

To be Senior Apothecaries, 1st Grade.

William Arnold Kidd.
Daniel Timothy Mills.

To be Senior Apothecaries, 2nd Grade.

Charles Briscoe.
Samuel Bond.
Thomas Price.
Francis William Saunders.
George Blackburn.
Thomas Michael Sullivan.
Robert Crossley.
John Hamilton.
Henry James Miller.
Thomas Lyons.
William Bacon.
John Fitzpatrick.

To be Apothecaries, 2nd Grade.

Henry Benjamin Blaker.
Isaac Walker.
Joseph Ryan Slater.
James Mackey.
Henry Alfred Davies.
Timothy Baptist.

To be Assistant Apothecaries, 2nd Grade.

William Alfred Boucher.
John Goldsmith.
Peter Alexander Maybert.
Richard Bickett.
James Pownes.

No. 472.—1st Grade Apothecary Thomas Henry Hill, Staff Officer, Army Hospital Native Corps, to be a 1st Grade Senior Apothecary, but supernumerary of that rank, with effect from the 8th August, 1884.

No. 473.—NATIVE ARMY—

33rd Native Infantry.

Subadar Soorujbuksh Sing to be Subadar-Major;
Jemadar Meer Bahadur Ali to be Subadar;
Havildar Narain Sing to be Jemadar,—

with effect from 1st June, 1884, *vice* Subadar-Major Shaikh Hosain Buksh, "Sirdar Bahadur," invalided.

No. 474.—PUNJAB FRONTIER FORCE—

3rd Punjab Cavalry.

Ressaidar Boodh Singh to be Ressaldar;
Jemadar Heera Singh to be Ressaidar;
Duffadar Gulam Ali to be Jemadar,—

with effect from 1st May, 1884, *vice* Ressaldar Mawaz Khan, invalided.

RETIREMENTS.

No. 475.—Under the authority of the Secretary of State for India, Captain Frederick Augustus Remmington, Bengal S. C., is placed on the retired list, with effect from the 22nd August, 1884, subject to Her Majesty's approval.

REWARDS.

No. 476.—GOOD SERVICE PENSIONS—

It is notified that on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer good service pensions on the undermentioned officers, with effect from the dates specified :—

From the 14th January, 1884, in room of Deputy Surgeon-General J. J. Clarke, M.D., Indian Medical Service, retired.

MAJOR-GENERAL DAVID MACFARLAN, ROYAL (LATE BENGAL) ARTILLERY.

Dates of Commissions.

2nd-Lieutenant	...	... 11th June, 1853.
Lieutenant	...	... 12th September, 1857.
Captain	...	... 20th February, 1863.
Brevet Major	...	... 21st February, 1863.
Major	...	... 17th July, 1872.
Brevet Lieutenant-Colonel		... 11th May, 1873.
Lieutenant-Colonel	...	... 31st December, 1878.
Brevet Colonel	...	... 11th May, 1878.
Major-General	...	... 5th November, 1883.

Appointments.

Officiating Brigade Major to Inspector of Royal Artillery, Northern Division, Bengal,—October, 1864, to July, 1866.
Adjutant, F Brigade, Royal Horse Artillery,—7th May, 1868, to 17th July, 1872.
Ordnance Consulting Officer, India Office, 1st November, 1879, to date.

War Services.

Indian Mutiny, 1857.—Defence of Lucknow (wounded). Despatches, medal with clasp; Brevet of Major; one year's service for Lucknow.
Afghan War, 1878-79.—Medal.

From the 28th April, 1884, in room of Colonel R. Barter, C.B., Bengal, S. C., succeeded to the Colonel's allowance.

COLONEL JAMES JOHN MCLEOD INNES, V.C., ROYAL (LATE BENGAL) ENGINEERS.

Dates of Commissions.

2nd-Lieutenant	...	... 8th December, 1848.
Lieutenant	...	... 1st August, 1854.
Captain	...	... 27th August, 1858.
Brevet Major	...	... 28th August, 1858.
Major	...	... 5th July, 1872.
Brevet Lieutenant-Colonel		... 14th June, 1869.
Lieutenant-Colonel	...	... 1st April, 1874.
Brevet Colonel	...	... 1st October, 1877.
Colonel	...	... 26th May, 1883.

Appointments.

Regimental duty,—December, 1848, to April, 1852.
Public Works Department, Punjab Irrigation Department,—April, 1852, to January, 1857.
Public Works Department, Assistant to Chief Engineer, Oudh,—January, 1857, to ———.
Garrison Engineer, Fort William,—April, 1858, to October, 1859.
Special duty in connection with the Public Works Accounts at Nagpur,—October, 1859, to May, 1860.
Acting Controller and Auditor, Public Works Accounts, Nagpur,—June, 1860, to November, 1860.
Officiating Chief Engineer, Nagpur,—November, 1860, to February, 1861.
Examiner, Public Works Accounts, Punjab,—February, 1861, to October, 1869.
Officiating Accountant General, Public Works Department,—November, 1865, to January, 1867.
Officiating Accountant General, Public Works Department,—May, 1867, to May, 1868.
Commissioner for enquiry respecting failure of the Bombay Bank,—May, 1868, to March, 1869.
Officiating Accountant General, Public Works Department,—April, 1869, to August, 1869.
Superintending Engineer, Mooltan District, Indus Valley State Railway,—October, 1869, to June, 1870.
Accountant General and Deputy Secretary to the Government of India, Public Works Department, Accounts Branch,—June, 1870, to September, 1881.
Deputy Inspector General, Military Works,—September, 1881, to March, 1882.
Inspector General of Military Works,—March, 1882, to date.

War Services.

Indian Mutiny, 1857-58.—Defence of Lucknow; battle of Cawnpore; action of Sultanpore; siege of Lucknow (severely wounded). Despatches, *London Gazette*, 16th January, 17th February, and 17th July, 1858. Medal with two clasps; V.C.; Brevet of Major; and one year's service for Lucknow.

VOLUNTEER CORPS.

No. 477.—The Governor General in Council is pleased to sanction the formation of a Volunteer Corps at Purneah, to be designated the "Purneah Rifles."

The Corps will be under the orders of the Lieutenant-Governor of Bengal.

APPOINTMENTS.

No. 478.—*Purneah Rifles*—

Arthur Weekes, Esquire, C.S., to be Captain-Commandant.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 40.—Mr. A. C. Yorstoun, 3rd Grade Officer, on probation, is confirmed in his appointment, with effect from the 1st April, 1883.

No. 41.—Mr. J. C. McArthur, Assistant Engineer, Indian Marine, is permitted to resign the service.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 25th August, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned and Warrant Officers, on the dates specified, were received in the Military Department between the 5th and the 25th August, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Royal Engineers ...	Major H. McV. Crichton ...	7th Aug., 1884 ...	Darjeeling ...	...	...
East Surrey Regiment ...	Captain C. A. G. Cumine ...	14th Aug., 1884 ...	Naini Tal ...	...	...

Statement of Deposits on account of Estates between the 5th and the 25th August 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Henry Seymour Smith (a)	Surgeon-Major	Indian Medical Service.	18th Apl., 1884	Will left	Rs. A. P. 14,859 0 7	...	24th October, 1884.

(a) *Children*—William Brownlow Ashe Smith, Muriel Anne Smith.
Brother and *Sister*—William and Sophia.
Mother living at Cogher, County Tyrone, Ireland.

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 25th August 1884.

No. 200.—The services of Captain C. Hoskyns, R.E., Executive Engineer, 3rd Grade, Hurnai Road, are placed temporarily at the disposal of the Military Department for field service.

The 27th August 1884.

No. 201.—Mr. A. Grant, Officiating Examiner, Public Works Accounts, Central India, is transferred temporarily to the Office of Examiner, Public Works Accounts, Madras.

Mr. R. A. English, Deputy Examiner, Military Works Branch, is appointed to officiate temporarily as Examiner, Public Works Accounts, Central India.

The 28th August 1884.

No. 202.—Major J. A. Little, Executive Engineer, 2nd Grade, is appointed to officiate as Superintendent of Way and Works, Indus Valley State Railway, during the absence on privilege leave of Mr. H. F. Storey, or until further orders.

No. 203.—Mr. T. Lobb, Executive Engineer, 3rd Grade, Hyderabad, is, on return from furlough, transferred temporarily to Madras Public Works Department.

The 29th August 1884.

No. 204.—Lieutenant-Colonel C. H. Luard, R.E., Chief Engineer, 3rd Class, is appointed Consulting Engineer to the Government of India for Guaranteed Railways at Lahore.

No. 205.—Mr. G. W. MacGeorge, Deputy Consulting Engineer to the Government of India for Guaranteed Railways, Lucknow, is appointed to officiate as Consulting Engineer, Lahore, during the absence on furlough of Colonel Luard, or until further orders. Mr. MacGeorge assumed charge of the duties on the morning of the 8th August 1884.

No. 206.—Captain W. Pitt, R.E., Officiating Deputy Consulting Engineer, held charge of the current duties of the Office of Consulting Engineer for Guaranteed Railways, Lahore, from the afternoon of the 19th July 1884 till the morning of the 8th August 1884.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

Nº 36.} SIMLA, SATURDAY, SEPTEMBER 6, 1884.

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

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The Telegraph Bill, 1884.
Report of Select Committee on Panjáb Municipal Bill, 1884.
The British Burma Gaming Bill, 1884.

SUPPLEMENT No. 36.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Simla, the 2nd September 1884.

No. 222.—Mr. W. B. Jones, C.S.I., C.S., Chief Commissioner of the Central Provinces, has obtained a further extension of leave for two months in addition to the leave notified in Notification No. 109, dated 12th May last.

No. 225.—The services of Mr. W. C. Macpherson, C.S., Assistant Secretary to the Chief Commissioner of Assam, are replaced at the disposal of the Government of Bengal, with effect from the 6th October 1884.

No. 228.—Mr. G. D. Burgess, C.S., Secretary to the Chief Commissioner of British Burma, is appointed to officiate as Commissioner of the Tenasserim Division during the absence on furlough of Lieutenant-Colonel W. C. Plant, or until further orders.

JUDICIAL.

The 4th September 1884.

No. 1162.—The Hon'ble C. D. Field, a Judge of the High Court of Judicature at Fort William in Bengal, has obtained privilege leave for one month, with effect from the 15th November next.

ECCLESIASTICAL.

The 2nd September 1884.

No. 147.—The Governor General in Council is pleased to confirm the extension of leave up to the 15th January 1885 granted by the Lord Bishop of Calcutta to Mr. F. J. Fergusson, Registrar of the Diocese.

PATENTS.

The 30th August 1884.

No. 905.—Specifications of the under-mentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying :—

No. 194 of 1883.—Cyrus W. Baldwin, Gentleman, of Chicago, in the County of Cook, and State of Illinois, one of the United States of America, for an improvement in, and connected with, gas engines, and in the method and

means for regulating the explosive charges thereof.

No. 5 of 1884.—John Callarman, of No. 16, Wellesley Street, Calcutta, Improved Rubber Stamp Manufacturer, for an improved method of, and apparatus for, cleaning tram rails, the apparatus serving also as guards to the car.

No. 17 of 1884.—John Remfry, of 1, Council House Street, Calcutta, Solicitor and Patent Agent, for improvements in dynamo or magneto-electric generators.

No. 18 of 1884.—George Fred. Shaver, of Erie, Pennsylvania, United States of America, for improvements in mechanical telephone apparatus, chiefly designed for a central office or exchange system.

No. 25 of 1884.—Cursetjee Sorabjee Jussawala, of Back Road, Marine Lines, Bombay, Parsee inhabitant, Contractor, for crushing seeds and nuts and producing oil by means of machinery worked by steam or waterpower.

No. 45 of 1884.—Henry Christopher Mance, Engineer and Electrician, Persian Gulf Telegraphs, Karachi, for improvements in electrical testing apparatus and method of testing.

No. 55 of 1884.—Francis Murray Newton, Electrical Engineer, of Belfast, in the County of Antrim, Kingdom of Great Britain and Ireland, for improvements in electric arc lamps.

No. 75 of 1884.—Henry Renner Cassel, of the City and State of New York, United States of America, and 52, Chancery Lane, London, in the County of Middlesex, England, Electrician, for an improved process and apparatus for separating and treating metals and extracting them from ores, mattes, or all other substances containing them, by means of electrolysis, part of which invention is also applicable for other purposes.

No. 85 of 1884.—Albert Linberry, Manager, Kurseong Tea Estate, for improvements in tea chests.

No. 97 of 1884.—John Perkins Jackson, Wine Merchants, Engineer, of Liverpool, England, for improvements in appliances for filtering water and other liquids.

No. 98 of 1884.—Kamini Mani Devi, of 22, Sikdar Para Street, Jorasanko, Calcutta, India, for an improved and infallible specific for piles and fistula.

No. 104 of 1884.—Peter Smith Swan, of Calcutta, in the Empire of India, Jute Manufacturer, for an improvement in the manufacture of sacking, bagging, or other description of cloth, made of jute or other vegetable fibre, or partly of jute and partly of other vegetable fibre, and used for making packs, bags, wrappers or coverings.

No. 106 of 1884.—Charles Joseph Bertrand, of Igutpuri, in the Presidency of Bombay, an Engine-Driver, at present in the employ of the Great Indian Peninsula Railway Company, for a single piston double-action pump.

No. 107 of 1884.—F. and C. Osler, Glass Manufacturers, Birmingham, London, and Calcutta, for a lamp for burning hydro-carbon oils.

No. 117 of 1884.—James C. Rossi, a Citizen of the United States and a resident of the City of Perth, Amboy, in the County of Middlesex, and State of New Jersey, United States of America, for a new and useful improvement in apparatus and process for producing cold.

No. 118 of 1884.—Merritt Henry Dement, of Chicago, Illinois, United States of America, for a new or improved apparatus for putting stereotyped line strips in column or page form and justifying and securing the same.

No. 119 of 1884.—Merritt Henry Dement, of Chicago, Illinois, United States of America, for a new or improved type matrice machine.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—POLITICAL.

Simla, the 30th August, 1884.

No. 3309 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Vishram Ramji Ghole, Assistant Surgeon in charge of Khan Bahadur Pestanji Sorabji's Charitable Dispensary at Poona, the title of "Rao Sahib," as a personal distinction.

GENERAL.

The 3rd September, 1884.

No. 1692 *G.*—Lieutenant-Colonel V. E. Law, Political Agent of the 3rd Class, is posted as Political Officer with the ex-Amir Muhammed Yakub Khan of Kabul, with effect from the 21st August, 1884.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 3rd September 1884.

The following Addendum to the Codes of the Financial Department is published for general information:—

No. 3198.

C. P. C.

PAGE 98.

Section 177, Rule 2.

Insert the following after "Government" in the fourth line of this Rule:—

"but if the arrears do not exceed Rupees 100, and the case presents no peculiar features, the Accountant General is empowered to pass the arrears on his own authority."

The 5th September 1884.

No. 3274.—Surgeon-Major J. Scully, having been appointed to officiate as Assay Master, Bombay Mint, made over charge of his duties as Officiating Assay Master, Calcutta Mint, before noon on the 29th August 1884.

Mr. F. W. Peterson, Deputy Assay Master, Calcutta Mint, having been appointed to officiate as Assay Master, Calcutta Mint, *vice* Surgeon-Major J. Scully, received charge of the said appointment before noon on the 29th August 1884.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 5th September, 1884.

APPOINTMENTS.

No. 479.—PERSONAL STAFF—

The Viceroy and Governor General has been pleased to make the following appointment on His Excellency's personal staff:—

Lieutenant C. R. Burn, 8th Hussars, Extra Aide-de-Camp, to be Aide-de-Camp, *vice* Captain E. H. Clough-Taylor, who has resigned the appointment. Dated 1st September, 1884.

No. 480.—ADJUTANT GENERAL'S DEPARTMENT—

Lieutenant-Colonel H. M. Evans, Bengal S. C., 43rd Native Infantry, to be a Deputy-Assistant Adjutant General on the Establishment, *vice* Lieutenant-Colonel G. A. Way, whose tenure of appointment has expired. Dated 6th September, 1884.

No. 481.—HORSE-BREEDING OPERATIONS—

First Class Veterinary-Surgeon J. Anderson, Assistant Superintendent, Horse-Breeding Operations, Punjab, to officiate as General Superintendent, Horse-Breeding Operations, *vice* Inspecting Veterinary-Surgeon W. Lamb, on furlough. Dated 3rd July, 1884.

No. 482.—VOLUNTEER CORPS—

Calcutta Volunteer Rifle Corps.

Mr. Edward Hutton to be Captain, *vice* Captain J. H. Cornwall, resigned.

Administrative Battalion, Presidency Volunteers.

Calcutta Naval Artillery Volunteers.

"A" Battery.

Captain Arthur William Stiffe, Indian Marine, to be Commander, *vice* Brebner, resigned.

FURLOUGH AND LEAVE.

No. 483.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel and Brevet Colonel T. Lamb, Bengal S. C., (p. a.) for 152 days.

Lieutenant R. R. N. Sturt, Bengal S. C., (p. a.) for three months.

PROMOTIONS.

No. 484.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Thomas Dawes,—2nd September, 1884.

Major Archibald Buchan Hepburn,—4th September, 1884.

BENGAL ARMY.

Cavalry.

To be Lieutenant-Colonel.

Major and Brevet Lieutenant-Colonel Arthur William Capel,—4th September, 1884.

BREVET.

To be Colonels.

Lieutenant-Colonel William Gordon Trevor, Bombay S. C.,—31st August, 1884.

Lieutenant-Colonel John Whaley Watson, Bombay S. C.,—4th September, 1884.

Lieutenant-Colonel Edward Daniel Hamilton Vibart, Bengal S. C.,—4th September, 1884.

No. 485.—ORDNANCE DEPARTMENT—

Sub-Conductor Samuel Durrell to be Conductor; *Store Sergeant William Thomas, Assistant Overseer, Gun Carriage Factory, Fatehgarh, to be Sub-Conductor, on probation (seconded);*

Store-Sergeant William Breakey to be Sub-Conductor, on probation,—

with effect from the 9th July, 1884, *vice* Conductor W. Carew, pensioned.

Honorary Lieutenant William Marshall, Deputy Assistant Commissary, in charge of Camp Equipage Depôt, to be Assistant Commissary (seconded);

Honorary Lieutenant John McManus, Deputy Assistant Commissary, to be Assistant Commissary,—

with effect from the 19th July, 1884, *vice* Honorary Lieutenant and Assistant Commissary John Glen, pensioned.

No. 486.—SUBORDINATE MEDICAL DEPARTMENT—

Erratum.—In the list of medical subordinates promoted to the rank of Apothecary, 2nd grade, in G. G. O. No. 471 of 1884, for "Henry Alfred Davies," read *Henry Alfred Davis.*

No. 487.—NATIVE ARMY—

42nd Native Infantry.

Jemadar Dabilall Kharki to be Subadar;
Havildar Bhairo Thappa to be Jemadar,—

with effect from 6th April, 1884, *vice* Subadar Gooujur Sing Rai, deceased.

No. 488.—PUNJAB FRONTIER FORCE—

1st Punjab Infantry.

Havildar Mowladin to be Jemadar, with effect from 16th June, 1884, *vice* Jemadar Meah Khoor Syud, invalided.

RETIREMENTS.

No. 489.—Lieutenant-Colonel Thomas Dawes, Bengal S. C., has been permitted to retire from the service, with effect from the 3rd September, 1884, subject to Her Majesty's approval.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 42.—Lieutenant A. Channer, R.N., Assistant Surveyor, 1st class, Marine Survey of India, to be Surveyor in charge, *sub. pro tem.*, with effect from the 10th July, 1884.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 2nd September 1884.

No. 207.—The services of Mr. J. M. Campion, Executive Engineer, 2nd Grade, Punjab, but temporarily employed in the Simla Imperial Circle, are placed temporarily at disposal of the Director General of Railways.

No. 208.—During the absence of Major W. P. Tomkins, R.E., on field service, Colonel J. Browne, C.B., C.S.I., R.E., Superintending Engineer, Sindh-Pishin State Railway, will officiate as Superintending Engineer in Beloochistan and the Assigned Districts of South Afghanistan, and as Secretary to the Agent to the Governor General in the Public Works Department, in addition to his own duties.

No. 209.—Mr. J. Y. Davidson, Class II of the State Railway Superior Revenue Establishment, is, on return from furlough, replaced at the disposal of the Chief Commissioner, Central Provinces, for employment as Manager of the Nagpur and Chhattisgarh and Wardha Coal State Railways.

No. 210.—Mr. J. Conder, Class II of the Superior Revenue Establishment of State Railways, Traffic Department, and Officiating Manager of the Nagpur and Chhattisgarh and Wardha Coal State Railways, is transferred from the Establishment under the Chief Commissioner, Central Provinces, to that under the Director General of Railways.

No. 211.—Mr. J. W. Fordham, Examiner, 4th Class, 1st Grade, is appointed to officiate as Examiner of Accounts, Rajputana-Malwa Railway, with rank of Examiner, 3rd Class, during the absence of Lieutenant-Colonel Moberly, on privilege leave, or until further orders.

The 3rd September 1884.

No. 212.—In continuation of Public Works Department Notification No. 10 of the 10th January 1883, His Excellency the Governor General in Council is pleased to sanction, under Section 4 of the Indian Railway Act of 1879, the use of locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby on the undermentioned Railways, *viz.*,—

(1) Kokilamukh State Railway, main line and branches.
(2) Bengal and North-Western Railway, main line and branches.
(3) Cawnpore-Achnera State Railway.
(4) Amritsar-Pathankot State Railway.
(5) Rewari-Ferozepore State Railway.
(6) Raewind-Ferozepore Branch of the Sind, Punjab and Delhi Railway.
(7) Southern Mahratta Railway.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 37.} SIMLA, SATURDAY, SEPTEMBER 13, 1884.

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SUPPLEMENT No. 37.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 12th September, 1884.

No. 16.—His Excellency the Viceroy and Governor General, under the authority vested in him by the Statute 24 & 25 Vic., Cap. 67, Section 10, has been pleased to nominate Babu Peári Mohan Mukerji to be an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

D. FITZPATRICK,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 11th September 1884.

No. 1501.—Under the provisions of Section 4 of Statutes 28 and 29 Victoria, Chapter 17, the Governor General in Council is pleased to declare—

(1) that the boundary between the district of Umballa in the Punjab and the district of Saháranpur in the North-Western Provinces shall be the fixed boundaries between the villages of those districts of which lists are appended to this Notification; and

(2) that the boundary between the districts as so defined shall be the boundary between the territories subject to the Lieutenant-Governorship of the North-Western Provinces and the territories subject to the Lieutenant-Governorship of the Punjab and its dependencies, so far as the above-named districts are concerned.

LIST OF VILLAGES.

Umballa District.

1. Kalesar with Dakhili Mazras.
2. Tajáwálá with Bakhili Mazras.
3. Nainawála.
4. Doiwálá.
5. Belgarh.
6. Kaniawálá.
7. Lakar, including Partabpur.
8. Mali Mazra.
9. Niwazpur.
10. Alipur.
11. Mandaoli Gagar.
12. Tapur Májri.
13. Bir Tapu.
14. Ghoron.
15. Jodhpur.
16. Odri.
17. Lapra.
18. Mahmúdpur.
19. Kalánaur.
20. Akálgarh.
21. Tápu Kamálpur.
22. Naharpur.
23. Unhári.
24. Rámgarh.
25. Baghwáli.
26. Jatláná.
27. Paobári.
28. Dhakwálá.
29. Nakum.
30. Bujabás.
31. Naglá.
32. Pahladpur.
33. Gumtala.
34. Lohgarh.

Saháranpur District.

1. Rahni.
2. Rahna.
3. Yainpur.
4. Badshahi mahal.
5. Faizabad.
6. Arafpur.
7. Khariwálá.
8. Mandli.
9. Kheri.
10. Chaja.
11. Akbarpur.
12. Shahápurbás.
13. Ala-ud-dinpur.
14. Mahmudpur.
15. Arazi Jeori.
16. Nityanandpur.
17. Nágal.
18. Said Mahmudpur.
19. Shahzadpur.
20. Abutalibpur Gadh.
21. Barthagadh.
22. Kasbah Gadh.
23. Bartha Kursi.
24. Islámpur Bartha.
25. Rasúlpur Rasúlt.
26. Alamgirpur.
27. Noniari.
28. Jodebás.
29. Khwajapur.
30. Manjhar.
31. Khedawálá.
32. Soundebas.
33. Gházi-ud-dinpur.
34. Pipli.
35. Begni.
36. Gobindpur.
37. Mandi and Kazibás.
38. Sadullahpur Májra (gained by river action).
39. Murtazapur Májri and Sadullahpur Kalan.
40. Sadullahpur Khurd.
41. Naurangpur.
42. Hasanpur.
43. Gopálpur.
43½. Kamálpur.
44. Rabraoli.
45. Dhika Kalan.
46. Bhúd.
47. Tabart.
48. Dhika Khurd.
49. Mandhor.
50. Mughal Mázrá.
51. Nasrullahgarh.
52. Fatehpur Ját.

MEDICAL.

The 9th September 1884.

No. 391.—Surgeon R. B. Roe, of the Madras Medical Service, and at present officiating as Civil Surgeon of the Akola district in the Hyderabad Assigned Districts, is appointed Civil Surgeon of the Wun district, *vice* Assistant Surgeon P. Chamarette, retired. Surgeon Roe will, however, continue to officiate as Civil Surgeon of Akola, until further orders.

JUDICIAL.

The 12th September 1884.

No. 1189.—The services of Lieutenant C. G. Parsons, Wing Officer, 28th Native Infantry, are placed temporarily at the disposal of the Government of the Punjab for employment as Officiating Cantonment Magistrate, Jullundur.

ECCLESIASTICAL.

The 12th September 1884.

No. 151.—The Venerable B. T. Atlay, M.A., Archdeacon of Calcutta, has obtained privilege leave for six weeks, with effect from the 29th instant, or from any subsequent date on which he may avail himself of the same.

FORESTS.

The 12th September 1884.

No. 682 *F.*—The services of Dr. H. Warth, Professor of Natural Sciences at the Forest School at Dehra Dún, are placed temporarily at the disposal of the Public Works Department.

Mr. A. Smythies, B.A., Deputy Conservator of Forests of the 4th Grade in the North-Western Provinces and Oudh, is appointed to officiate, until further orders, as Instructor at the Forest School, with effect from the date on which Dr. Warth joins the Public Works Department.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 6th September, 1884.

No. 1712 *G.*—Captain E. Lloyd, Squadron Officer, 1st Punjab Cavalry, Punjab Frontier Force, is appointed to officiate as a Political Assistant of the 3rd Class, and is posted as Attaché in the Foreign Department, with effect from the date of assuming charge.

The 8th September, 1884.

No. 1713 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. Raffroy, Vice-Consul for France at Tamatave, as Consul for France at Aden.

No. 1716 *G.*—Sheikh Ata Muhamad, late Assistant Surgeon, Kelat, was granted privilege leave from the 26th July to the 25th August, 1884, both days inclusive.

The 10th September, 1884.

No. 1726 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mons. Albert de Guigné as Vice-Consul for Portugal at Madras.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 9th September 1884.

No. 3319.—In exercise of the powers conferred by Section 35 of the Court Fees Act, 1870, the Governor General in Council is pleased to remit the court-fees payable, under clauses 6, 7 and 9 of Schedule I of the Act, on copies furnished by the Revenue Courts and Offices for the private use of persons applying for them.

This Notification shall not be deemed to exempt copies furnished thereunder from the payment of the fees chargeable on such copies when filed, exhibited or recorded in any Court of Justice or received by any public officer.

No. 3326.—Captain G. Martin, Assay Master, Bombay Mint, having been granted leave on urgent private affairs for 91 days, and Surgeon-Major J. Scully, Deputy Assay Master, having been appointed to act for him, Captain Martin made over, and Surgeon-Major Scully received, charge of the office of the Assay Master, Bombay Mint, after noon on the 2nd September 1884.

The 11th September 1884.

The following Addendum and Corrigendum to the Codes of the Financial Department are published for general information:—

No. 3356.

C. L. C.

PAGE 155.

Section 35.

Insert the following words in the proper place in the list under this Section:—

Millett, H. ... Calcutta.

PAGE 157.

Section 44.

Modification B.

Strike out the following words in the 2nd and 3rd lines of this Modification:—

"the First Judge of the Small Cause Court at Calcutta."

No. 3392.—*Abstract of the accounts of the Department of Issue of Paper Currency on the 31st August 1884, published as required by Section 27 of the Indian Paper Currency Act XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta ...	7,22,83,770	1,57,97,630	85,07,315	2,43,04,945
Allahabad ...	75,33,580	90,70,370	...	90,70,370
Lahore ...	78,36,135	1,04,13,525	...	1,04,13,525
Bombay ...	4,29,85,875	2,75,24,031	18,24,869	2,93,48,900
Kurrachee ...	29,57,245	21,78,485	4,700	21,83,185
Madras ...	1,16,06,810	31,05,220	6,70,000	37,75,220
Calicut ...	19,02,965	14,42,455	15,000	14,57,455
Rangoon ...	26,19,735	88,72,515	...	88,72,515
Total ...	14,97,26,115	7,87,04,231	1,10,21,884	8,97,26,115
Price paid for Government securities of the nominal value of Rs. 6,25,21,700 held under Section 19 of the Act ...				6,00,00,000
GRAND TOTAL ...				14,97,26,115

The 12th September 1884.

No. 3393.—Mr. F. W. Peterson, Deputy Assay Master, Calcutta Mint, having been appointed to officiate as Assay Master, in consequence of the deputation of Surgeon-Major Scully to officiate as Assay Master, Bombay Mint, during the absence of Captain Martin, on leave on urgent private affairs, made over charge of his office before noon on the 4th September 1884.

Surgeon H. P. Yeld, having been appointed to officiate as Deputy Assay Master, Calcutta Mint, *vice* Mr. F. W. Peterson, received charge of the said appointment before noon on the 4th September 1884.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 12th September, 1884.

APPOINTMENTS.

No. 490.—PUNJAB FRONTIER FORCE—

5th Goorkha Regiment.

Lieutenant-Colonel J. M. Sym, Wing Commander, to be 2nd-in-Command;
Major E. Molloy, Wing Officer, to be Wing Commander,—
with effect from the 1st August, 1884, *vice* Lieutenant-Colonel W. H. Unwin, retired.

No. 491.—HORSE-BREEDING OPERATIONS—

Veterinary Surgeon J. A. Nunn, Army Veterinary Department, to officiate as Assistant Superintendent, Horse-Breeding Operations, Punjab, *vice* 1st Class Veterinary Surgeon J. Anderson, appointed to officiate as General Superintendent, Horse-Breeding Operations. Dated 12th August, 1884.

No. 492.—VOLUNTEER CORPS—

Oudh Volunteer Rifle Corps.

Captain H. O. Woodhouse, Wing Officer, 9th Native Infantry, to be Adjutant.

FURLOUGH AND LEAVE.

No. 493.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Major L. F. Jamieson, Bengal S. C., (u. p. a.) for 182 days, under rule XI of the regulations of 1868.

Lieutenant J. G. Hunter, Bengal S. C., Wing Officer and Adjutant, 10th Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

No. 494.—Lieutenant-Colonel and Brevet Colonel L. H. P. DeH. Larpent, Bengal S. C., is permitted to reside out of India on the terms laid down in paragraph 7 of G. G. O. No. 209 of 1882.

No. 495.—Honorary Lieutenant and Assistant Commissary J. Fitzgibbon, Assistant Engineer, 1st grade, Public Works Department, Madras, is granted 31 days' extension of the furlough allowed in G. G. O. No. 44 of 1884.

No. 496.—Honorary Lieutenant and Deputy Assistant Commissary C. O'Gorman, Commissariat Department, is granted leave in India, (p. a.) from the 12th June, 1884, to the date of his retirement, under the regulations of 1868.

No. 497.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel F. W. Boileau, Bengal S. C., (m. c.) for three months.
Major and Brevet Lieutenant-Colonel W. A. J. Wallace, R.E., (m. c.) for thirty days.
Major M. J. King-Harman, Bengal S. C., (m. c.) for three months.

JUDICIAL.

No. 498.—In accordance with section 2, Act No. XIII of 1881 ("The Fort William Act, 1881"), the Governor General in Council hereby notifies that, for the purposes of the said Act, the limit of Fort William in Bengal is the line of the "crest of the glacis."

PENSIONS.

No. 499.—The undermentioned Warrant Officers are transferred to the Pension establishment:—

Honorary Lieutenant and Deputy Assistant Commissary Michael Carew, Commissariat Department.
Conductor George Palmer, Ordnance Department.

PROMOTIONS.

No. 500.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Majors.

Captain William George Craigie Halkett,—9th September, 1884.
Captain Henry Boileau,—9th September, 1884.

To be Captains.

Lieutenant George Alfred Money,—11th September, 1884.
Lieutenant William Walter Lean,—11th September, 1884.

BENGAL ARMY.

To be Colonel.

Lieutenant-Colonel and Brevet Colonel Griffith Turner Jones, Bengal Infantry,—11th September, 1884.

BREVET.

To be Colonels.

Lieutenant-Colonel William Paget La Touche, Bombay S. C.,—6th September, 1884.
Lieutenant-Colonel Francis Edmund West, Madras S. C.,—12th September, 1884.
Lieutenant-Colonel James William O'Dowda, Bengal S. C.,—12th September, 1884.

No. 501.—ORDNANCE DEPARTMENT—

Conductor Richard O'Neill to be Deputy Assistant Commissary, with effect from the 19th July, 1884, *vice* Deputy Assistant Commissary John McManus, promoted.

No. 502.—SUBORDINATE MEDICAL DEPARTMENT—

Sub-Assistant Apothecary Samuel George Dingavan to be a 2nd Grade Assistant Apothecary, with effect from the 12th July, 1884, *vice* 1st Grade Assistant Apothecary James Lloyd, pensioned.

No. 503.—NATIVE ARMY—

38th Native Infantry.

Jemadar Poorun Singh to be Subadar, Havildar Suntbeer to be Jemadar, *vice* Subadar Nain Singh, invalided;
Havildar Boodha to be Jemadar, *vice* Jemadar Sheolall, invalided,—
with effect from 1st May, 1884.

VOLUNTEER CORPS.

No. 504.—The Governor General in Council is pleased to sanction the formation of a Volunteer Cavalry Corps at Allahabad to be called the "Allahabad Troop Light Horse."

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

No. 505.—Major W. P. Tomkins, R.E., Superintending Engineer, class III, sub. *pro tem.*, is appointed permanently to that class, with special rank, with effect from 8th August, 1884.

Captain W. L. Greenstreet, R.E., Executive Engineer, 1st grade, is promoted to Superintending Engineer, class III, sub. *pro tem.*, with effect from the 8th August, 1884.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 43.—Mr. T. A. L. DeBerry, 3rd Grade Officer, on probation, is confirmed in his appointment, with effect from the 29th August, 1883.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 8th September 1884.

No. 213.—Mr. E. A. Dennys, Examiner of Accounts, attached to the Office of the Auditor, Oudh and Rohilkund Railway, is transferred temporarily to the Office of the Examiner of Accounts, Military Works.

No. 214.—Mr. Thomas Andrew Hindmarsh is appointed a candidate in the Locomotive Department, Superior Revenue Establishment of State Railways, and is posted to the Establishment under the Director General of Railways.

The 10th September 1884.

No. 215.—Major G. T. Skipwith, R.E., Executive Engineer, 1st Grade, North-Western Provinces and Oudh, officiated as Superintending Engineer during the absence of Colonel W. Jeffreys, R.E., on privilege leave.

No. 216.—Mr. H. W. Bennett, Assistant Engineer, 2nd Grade, is appointed to act temporarily as Assistant Manager, Rajputana-Malwa State Railway, during the absence on privilege leave of Lieutenant W. V. Constable, R.E., or until further orders.

While so acting, Mr. Bennett will officiate in Class III of the State Railway Superior Revenue Establishment.

No. 217.—With reference to Public Works Department Notification No. 318, dated 29th September 1880, Captain H. G. Kunhardt, R.E., Executive Engineer, 3rd Grade, Railway Branch, will, from the date he is relieved of his present duties in the Darbhunga Raj, continue to be attached to the Establishment under the Government of Bengal, Public Works Department, for employment in the Railway Branch.

The 11th September 1884.

No. 218.—Mr. W. R. Gilbert, Assistant Engineer, 1st Grade, British Burma, is promoted to Executive Engineer, 4th Grade, temporary rank, with effect from the 22nd July 1884.

No. 219.—*Corrigendum.*—In Public Works Department Notification No. 23, dated 17th January 1884, transferring Mr. Target, Executive Engineer, to Madras, for *is transferred*, read *is transferred temporarily*.

No. 220.—Mr. G. F. Mathew, C.I.E., Officiating Manager, His Highness the Nizam's State Railway, has been granted by Her Majesty's Secretary of State for India an extension of leave for three months on medical certificate, in continuation of the leave previously granted him.

No. 221.—Mr. W. F. Barrow, Examiner of Accounts, is granted leave on medical certificate out of India for twelve months under Section 128 of the Civil Leave Code.

W. S. TREVOR, *Colonel, R.E.*,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 38.] SIMLA, SATURDAY, SEPTEMBER 20, 1884.

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

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The Burma Steam-boilers and Prime-movers Bill, 1884.

SUPPLEMENT No. 38.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 16th September 1884.

No. 1527.—The Governor General in Council is pleased, under Section 17 of the Indian Arms Act XI of 1878, to direct that the following Note shall be added to the clauses printed on the back of form II of the forms of licenses published with Notification No. 518, dated the 6th March 1879 :—

Note.

When the license is granted for transport within the limits of the same district, the license must be given up to the local Magistrate (if any) having jurisdiction in the place to which the articles are consigned, who will satisfy himself that the conditions have been complied with and return the license to the District Magistrate. The District Magistrate will send copies of any license granted by him for transport within the district to the local Magistrate having jurisdiction. Where there is no local Magistrate, the license must be returned to the Magistrate of the district.

JUDICIAL.

The 15th September 1884.

No. 1210.—Under the provisions of Section 3 of Act XXVI of 1881 (The Negotiable Instruments Act, 1881), the Governor General in Council has been pleased to appoint Mr. K. C. Thomas, a Sub-Registrar in the Madras Presidency, to perform the functions of a Notary Public under that Act.

The 19th September 1884.

No. 1227.—The Honourable W. F. McDonell, C.S., V.C., a Judge of the High Court of Judicature at Fort William in Bengal, resumed his seat on the Bench of the High Court on the forenoon of the 10th instant.

FORESTS.

The 16th September 1884.

No. 702 *F.*—Privilege leave of absence for 17 days is granted to Mr. M. H. Ferrars, Deputy Conservator of Forests in the Andamans, with effect from the 16th August 1884, or the subsequent date on which he availed himself of it.

The 18th September 1884.

No. 707 *F.*—Mr. J. W. Oliver, Deputy Conservator of Forests of the 3rd Grade in British Burma, is appointed to act, until further orders, as Assistant Inspector General of Forests and Superintendent of Working-Plans, with effect from the 15th September 1884.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—SURVEYS.

Simla, the 16th September 1884.

No. 512—92-110 *S.*—The services of Major T. H. Holdich, RE., Deputy Superintendent, Survey of India Department, are placed at the disposal of the Foreign Department for employment with the Afghan Boundary Commission.

GENERAL.

The 18th September 1884.

No. 678—30-20 *G.*—The services of Mr. R. G. Thomson, C.S., Officiating Under Secretary to the Government of India in the Revenue and Agricultural Department, are replaced at the disposal of the Government of the Punjab, with effect from the forenoon of the 18th instant.

E. C. BUCK,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 13th September, 1884.

No. 1761 *G.*—Surgeon-Major D. N. Martin, M.D., Medical Officer, 30th Regiment of Native Infantry, is appointed to officiate as Residency Surgeon in the Eastern Rajputana States, with effect from the date of assuming charge, *vice* Surgeon C. W. Owen, C.I.E., and until the return from furlough of Surgeon-Major T. H. Hendley.

The 15th September, 1884.

No. 1773 *G.*—Lieutenant-Colonel A. W. Roberts, Officiating Political Agent of the 2nd Class, is appointed temporarily to be an Additional Political Agent of the 2nd Class, and is posted as Political Agent and Superintendent, Chirkari, with effect from the date of assuming charge.

The 16th September, 1884.

No. 1780 *G.*—The following promotions are made in the 2nd Regiment, Central India Horse, with effect from the 1st May, 1884:—

Jemadar Khushial Singh, to be Ressaidar, *vice* Warism Singh, invalided.

Jemadar Lhena Singh, to be Ressaidar and Woordie-Major, *vice* Gurbha Singh, invalided.

Duffadar Khushial Singh, to be Jemadar, *vice* Khushial Singh, promoted.

Duffadar Balwant Singh, to be Jemadar, *vice* [illegible], invalided.

No. 1782 *G.*—The following temporary promotions were made in the Berar Commission, with effect from the 1st May, 1884, during the absence on privilege leave of Major R. Bullock, Deputy Commissioner of the 3rd Class:—

Lieutenant-Colonel F. W. Grant, Assistant Commissioner of the 1st Class, to officiate as a Deputy Commissioner of the 3rd Class.

Mr. A. Elliott, Assistant Commissioner of the 2nd Class, to officiate as an Assistant Commissioner of the 1st Class.

Mr. C. A. W. Davies, Assistant Commissioner of the 3rd Class, to officiate as an Assistant Commissioner of the 2nd Class.

No. 1785 *G.*—Lieutenant-Colonel K. J. L. Mackenzie, Deputy Commissioner of the 3rd Class, on return from furlough, is appointed to officiate as a Deputy Commissioner of the 2nd Class in the Berar Commission, with effect from the 8th August, 1884, *vice* Lieutenant-Colonel J. FitzGerald, who reverts to his substantive grade of Deputy Commissioner of the 3rd Class.

The 18th September, 1884.

No. 1800 *G.*—With reference to Foreign Department Notification, No. 1216G., of the 18th June, 1884, the recognition of the appointment by the Government of India of Mr. Franz Heyer as Acting Consul for the German Empire, at Bombay, has been confirmed by Her Majesty's Government.

INTERNAL.

No. 3527 *I.*—The Governor-General in Council is pleased to extend the Indian Telegraph Act (No. I of 1876) to the Cantonment of Secunderabad, subject to the following modifications, namely:—

I.—The preamble shall be omitted.

II.—For the second paragraph of Section 1, the words "It extends to the Cantonment of Secunderabad" shall be substituted.

III.—Section 2 shall be omitted.

IV.—In the first paragraph of Section 5, and in section 16, for the words "Local Government" the words "Resident at Hyderabad" shall be substituted.

V.—In the second paragraph of Section 5, for the words "to the Local Government" the words "by the Resident at Hyderabad" shall be substituted.

VI.—In Section 8, paragraph (*c*) shall be omitted.

VII.—In Section 16, after the word "Telegraphs" where it first occurs the words "in India" shall be added; after the word "place" where it first occurs the words "within the Cantonment of Secunderabad" shall be added; and for the words "the Magistrate of the District" and "a Magistrate" the words "the Cantonment Magistrate" shall be substituted.

VIII.—In section 17, for the words "to the Local Government" the words "of the Resident at Hyderabad" shall be substituted.

IX.—For the words "British India" wherever they occur, the words "the Cantonment of Secunderabad" shall be substituted.

No. 3530 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Lala Badri Nath, late Gomashta of the Commissariat Department, the title of "Rai Bahadur," as a personal distinction.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATION.

Simla, the 19th September 1884.

No. 3570.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read again—

Resolutions No. 684, dated 31st January 1878, and No. 2811, dated 3rd September 1881, regarding the mode of selecting officers for employment in the Assay Department.

Read the following papers regarding the terms of the home qualifications required for candidates for employment in the Assay Department:—

Despatch from the Government of India to the Secretary of State for India, No. 240, dated 31st August 1883, and enclosures.

Despatch from the Secretary of State, No. 10, dated 10th January 1884, and enclosures.

Despatch to Secretary of State, No. 135, dated 12th May 1884.

Despatch from Secretary of State, No. 254, dated 21st August 1884.

RESOLUTION.—With the approval of the Secretary of State for India, the Governor General in Council is pleased to determine, in supersession of the Resolutions No. 684, dated 31st January 1878, and No. 2811, dated 3rd September 1881, that the selection of officers for employment in the Assay Department shall be made in the following manner:—

I.—As directed in Resolution No. 124, dated 12th May 1876, commissioned officers only shall, as a general rule, be appointed substantively to the Assay Department.

II.—No officer shall be appointed substantively to the Assay Department without producing the following four certificates after practical examination:—

(1) Of attendance at a three-months' practical course of Inorganic Chemistry (qualitative only) at the Normal School of Science, London.

(2) Of attendance at a three-months' practical course of Metallurgy at the Royal School of Mines, especially with reference to the assaying of gold and silver and their alloys.

(3) Of attendance for a month at the Assay Laboratory of the Royal Mint, London, permission to attend the Mint being previously obtained from Her Majesty's Secretary of State for India.

The above courses not to be taken out simultaneously, but to occupy seven months in all.

(4) A certificate from the Head Assayer of the Royal Mint as to the candidate's ability to assay the precious metals, to be tested by practical examination.

III.—The certificates, when obtained, should be forwarded by the officer to Her Majesty's Secretary of State for India, who will then inform the Government of India whether the officer is *pro tanto* qualified for the Assay Department, subject to completion of his qualification by attendance at the Assay Office Laboratory at Calcutta or Bombay for a certain probationary period.

IV.—Whenever a want of candidates eligible for admission to the Assay Department is foreseen, the Government may permit a selected officer to attend at the Laboratory of the Assay Master at Bombay or Calcutta for a period not exceeding six months in order to prepare himself for a prescribed examination. During this period of probation, the full salary of the office he may happen to hold at the time, subject to a minimum of Rs. 450 a month, and in

addition the presidency house-rent of his rank, will be granted to him. At the expiry of the term of probation, the probationer will be examined by the Assay Master of the Mint to which he is attached, the examination being framed so as to test the practical familiarity of the probationer with the ordinary work of an Indian Assay Laboratory, and with the duties expected of an Assay Officer attached to a Mint, and his knowledge generally of the methods of assaying both gold and silver, and particularly of the method of assaying silver which is peculiar to the Indian Mints. Certain alloys should be given to the probationer, and a report on their fineness required according to such methods of assay as may be stipulated at the discretion of the Assay Master; and it must be a condition that the whole of the manipulating details shall be conducted by the probationer with his own hands. The ability of the probationer to prepare pure gold and silver for assay check purposes should also be carefully ascertained. **An officer who has so passed the prescribed local examination only may, at the discretion of the Government of India, be employed temporarily in the Assay Department. The period of such employment, however, is not to exceed twelve months at one time, unless under very special circumstances, and with the sanction of the Secretary of State.**

V.—The Governor General in Council desires it to be understood that the mere successful result of the examination thus prescribed, or of any other, will not entitle the probationer to appointment to the Assay Department. The Assay Master under whom he is employed should report confidentially to Government his opinion as to the aptitude and general (apart from mere technical) fitness of the probationer for the position of an Assay Officer. A similar report will be required also in the case of officers who have obtained the certificates referred to in clauses II and III.

ORDER.—Ordered, that this Resolution be published in the *Gazette of India* and communicated to—

The Mint Masters, Bombay and Calcutta;
The Assay Masters, Bombay and Calcutta Mints;
The Accountants General, Bengal and Bombay; and
The Military Department.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 19th September, 1884.

APPOINTMENTS.

No. 506.—PERSONAL STAFF—

The Viceroy and Governor General has been pleased to make the following appointment on His Excellency's personal staff:—

Lieutenant L. Gordon, King's Own Borderers, to be an Extra Aide-de-Camp. Dated 1st September, 1884.

No. 507.—HYDERABAD CONTINGENT—

2nd Cavalry.

Lieutenant C. M. Maguire, Officiating Squadron Officer and Adjutant, to be Squadron Officer and Adjutant, *vice* Lieutenant E. L. Wright, seconded.

No. 508.—VOLUNTEER CORPS—

Calcutta Volunteer Rifle Corps.

Mr. Tigranes Ratheus David to be Captain, *vice* Captain S. M. Gregory, resigned.

FURLOUGH AND LEAVE.

No. 509.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel H. C. E. Ward, Bengal S. C., Deputy Commissioner, 2nd class, and Officiating Commissioner, Central Provinces, (m. c.) for one year,—230 days under rules IX and XV, and the remaining period under rule XIV, clause 2, of the regulations of 1868.

Major S. J. Lambert, R.E., Executive Engineer, 3rd grade, Military Works Department, (p. a.) for two years, under rule IX of the regulations of 1868.

Lieutenant J. G. Day, R.E., Assistant Engineer, 1st grade, Temporary Executive Engineer, 4th grade, Military Works Department, (u. p. a.) for 104 days, under rule XI of the regulations of 1868.

LONDON GAZETTE.

No. 510.—The following extract is published for general information:—

"*London Gazette*," *dated the 15th August, 1884, page 3680.*

WAR OFFICE;

Pall Mall, 15th August, 1884.

MEMORANDUM.

Deputy Commissary and Honorary Captain John Keane, Bengal Establishment, to have the honorary rank of Major on retirement. Dated 9th May, 1884.

PROMOTIONS.

No. 511.—The names of the following officers of the Indian Staff Corps are moved up on the Indian Gradation List, under the provisions of the Royal Warrant of the 10th November, 1881:—

Placed on the list of Lieutenant-Generals.

Major-General T. Wright, C.B., Bengal;

Placed on the list of Major-Generals.

Colonel W. C. Parr, Bombay,—

in consequence of the transfer to the unemployed supernumerary list of the undermentioned officers on the 10th June, 1884:—

Lieutenant-General Sir J. Forbes, K.C.B., Bombay Cavalry.

Major-General H. A. Browne, Bengal Infantry.

No. 512.—MEDICAL DEPARTMENT—

The following promotion is made, subject to Her Majesty's approval:—

To be Deputy Surgeon-General.

Brigade Surgeon A. M. Dallas, *vice* Deputy Surgeon-General A. J. Payne, M.D., Honorary Surgeon to the Viceroy, whose tour of service has expired,—9th September, 1884.

G. G. O. No. 463 of 1884 is cancelled.

No. 513.—NATIVE ARMY—

2nd Native Infantry.

Jemadar Shaik Ramzon to be Subadar; Havildar Tilluckdharee Sing to be Jemadar, *vice* Subadar Sewrutton Tewary, invalided;

Drill-Havildar Bahadoor Khan to be Jemadar, *vice* Jemadar Nowjadick Sing, invalided,—

with effect from 18th December, 1883.

REWARDS.

No. 514.—ORDER OF BRITISH INDIA—

The Governor General in Council is pleased to admit the undermentioned Native Officers to the 1st and 2nd Classes of the Order of British India from the dates specified:—

Bengal.

To the 1st Class, with the title of "Sirdar Bahadur."

Ressaldar Anoop Sing, "Bahadur," 11th Bengal Lancers, *vice* Ressaldar-Major Shazada Abdool Kassim, "Sirdar Bahadur," deceased,—28th March, 1884.

Ressaldar T. J. Harling, "Bahadur," 14th Bengal Lancers, *vice* Subadar-Major Gokul Singh, "Sirdar Bahadur," deceased,—25th June, 1884.

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

Subadar Chundermony, 2nd Native Infantry, *vice* Subadar Shaick Mokeem, "Bahadur," deceased,—21st July, 1883.

Ressaldar-Major Sirbillund Khan, 15th Bengal Cavalry, *vice* Subadar-Major Chanda, "Bahadur," deceased,—25th January, 1884.

Ressaldar-Major Bahawuldeen Khan, 1st Central India Horse, *vice* Ressaldar Anoop Sing, "Bahadur," promoted,—28th March, 1884.

Subadar Jowahir Sing, 16th Native Infantry, *vice* Ressaldar T. J. Harling, "Bahadur," promoted,—25th June, 1884.

VOLUNTEER CORPS.

No. 515.—RETIREMENTS—

Calcutta Volunteer Rifle Corps.

Captain William Hugh Clark is permitted to retain his rank and wear the uniform of his corps on retirement.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 44.—Surgeon G. M. J. Giles, Indian Medical Department, to be Surgeon Naturalist to the Indian Government Survey steamer *Investigator*.

LEAVE.

No. 45.—Mr. A. J. Miller, Engineer, Indian Marine, is granted 12 months' furlough to Europe, under the provisions of section 132, Civil Leave Code.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 15th September, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned and Warrant Officers, on the dates specified, were received in the Military Department between the 26th August and 15th September, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Public Works Department ...	Sub-Conductor H. Mathews ...	16th August, 1884	Rewari Railway station.	...	...
Army Medical Department...	Surgeon-Major M. Anthony ...	28th August, 1884	Fatehgarh	...	...
1st Battalion, Royal Irish Fusiliers.	Lieutenant E. H. Mulock ...	31st August, 1884	Khyra Gully, Murree Hills.	...	...

Statement of Deposits on account of Estates between the 28th August and 15th September, 1884.

On whose account.	Rank.	Corps.	Date of dectase.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
George Trenchard Pickard-Cambridge (*a*) ...	Lieutenant ...	Bengal Staff Corps.	26th December, 1883.	Intestate	64 0 0	...	...
William Hill (*b*) ...	Conductor ...	Public Works Department.	7th May, 1884	Intestate	487 4 8	...	...
Henry Seymour Smith (*c*)	Surgeon-Major	Indian Medical Department.	18th April, 1881	Will left	200 1 7	...	...
Richard Jackson (*d*) ...	Surgeon-Major	Army Medical Department.	24th September, 1883.	Intestate	617 8 0	...	...

(*a*) *Next-of-kin.—Vide* Notification of the 21st July, 1884.
(*b*) *Widow.*—Jane Gordon Hill, care of Mr. D. Gunning, Meerut.
Next-of-kin.—Child—W. H. Hill, King's Lynn, England.
(*c*) *Vide* Notification of the 25th August, 1884.
(*d*) *Vide* Notification of the 12th May, 1884.

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 16th September 1884.

No. 222.—Lieutenant E. A. Waller, R.E., Deputy Examiner, 1st Grade, temporary rank, is transferred permanently to the Accounts Branch with rank of Deputy Examiner, 1st Grade, and with effect from 5th September 1884.

Mr. W. E. Curry, Assistant Examiner, 1st Grade, temporary rank, is transferred permanently to the Superior Accounts Branch with rank of Assistant Examiner, 1st Grade, and with effect from 17th July 1884.

No. 223.—The following promotions are made in the Superior Accounts Establishment :—

Names.	From	To	Nature of promotion.	With effect from
Mr. W. H. Brand ...	Examiner, 4th Class, 3rd Grade, sub. *pro tem.*	Examiner, 4th Class, 3rd Grade.	Permanent.	5th September 1884.
„ F. Rawson ...	Deputy Examiner, 2nd Grade, temporary.	Depy. Examr., 2nd Grade.	„	17th July 1884.
„ R. C. F. Volkers ...	„ „ „	„ „	Sub. *pro tem.*	„
„ W. C. Hickie ...	Assistant Examiner, 1st Grade.	„ „	Temporary.	„

No. 224.—Mr. G. H. LeMaistre, Assistant Engineer, 2nd Grade, Punjab, is temporarily transferred to the Accounts Branch with the temporary rank of Assistant Examiner, 1st Grade, and posted to the Office of the Examiner, Public Works Accounts, Bengal.

The 19th September 1884.

No. 225.—Captain F. Beauclerk, R.E., Joint Auditor and Examiner of Accounts, Assam Railways and Trading Company, is promoted from Examiner, 4th Class, 3rd Grade, to Examiner, 4th Class, 2nd Grade, with effect from the 5th September 1884.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 39. SIMLA, SATURDAY, SEPTEMBER 27, 1884.

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

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SUPPLEMENT No. 39.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Simla, the 25th September 1884.

No. 1257.—Mr. G. G. Collins, Assistant Superintendent of Police, British Burma, is appointed to be Assistant Superintendent of the Central Jail at Rangoon.

EDUCATION.

The 22nd September 1884.

No. 275.—Under Section 12 of Act II of 1857, the Governor General in Council is pleased to authorise the affiliation of the Jagannath School, Dacca, to the University of Calcutta up to the First Arts standard, with effect from the 1st April 1883.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 22nd September, 1884.

No. 1823*G*.—Major W. F. Prideaux, Political Agent of the 2nd Class, is posted as Agent to the Governor-General with the King of Oudh, and Superintendent of Political Pensions, with effect from the date of assuming charge.

The 24th September, 1884.

No. 1844*G*.—The following promotion and appointment are made in the 1st Regiment, Central India Horse :—

Ressaidar Bahawuldeen Khan, from the 11th (Prince of Wales's Own) Bengal Lancers, to be Ressaldar, *vice* Isri Parsad, Sirdar Bahadur, invalided.

Ressaldar Bahawuldeen Khan, to be Ressaldar-Major, *vice* Isri Parsad, Sirdar Bahadur, invalided.

Foreign Department Notification, No. 1355G., dated the 14th July, 1884, is cancelled.

FRONTIER.

No. 209 *F*.—With reference to Revenue and Agricultural Department Notification, No. 458-92-85 S., dated the 26th August, 1884, the services of Major J. Hill, R.E., Deputy Superintendent, Survey of India, are replaced at the disposal of the Revenue and Agricultural Department.

INTERNAL.

The 22nd September, 1884.

No. 3566 *I.*—The Governor-General in Council is pleased to extend the following Acts to the Hyderabad Assigned Districts, to the extent and subject to the modifications hereinafter set forth :—

1	2	3	4
Number and year.	Title or short title.	Extent of application.	Modifications.
XIII of 1875	To amend the law relating to Probates and Letters of Administration.	Section 6 ...	Prefix the following preamble :—"Whereas it is expedient to amend the Court Fees Act, 1870, as to probates, letters of administration and certificates of administration; it is hereby enacted as follows" :— In sub-sections 19A and 19E, *for* "the Province in which the probate or letters has or have been granted" *read* "the Hyderabad Assigned Districts." In sub-section 19C, first line, *omit* the word "such." In sub-section 19G, *for* "first day of April, 1875" *read* "22nd day of September 1884."
I of 1876 ...	The Indian Telegraph Act, 1876.	The whole Act, except clause (*c*) of section 8.	In section 1, *for* the second and third clauses *read* "And it extends to the Hyderabad Assigned Districts." In sections 4 and 10, *for* "British India" *read* "the Hyderabad Assigned Districts." In the first paragraph of section 5 and in section 16, *for* "Local Government" *read* "Resident at Hyderabad." In the second paragraph of section 5 and in section 17, *for* "or to the Local Government" *read* "or the Secretary to the Resident at Hyderabad."
III of 1882...	The Seditious Publications Act, 1882.	The whole Act ...	*For* the second paragraph of section 1, *read* "And it extends to the Hyderabad Assigned Districts."
VI of 1882...	The Indian Companies Act, 1882.	The whole Act, except, in section 65, the words "if the registered office be situate in a district beyond the local limits of the ordinary original civil jurisdiction of a High Court" and the words "language or"; in section 125, the words "situate outside the towns of Calcutta, Madras and Bombay"; the proviso in clause (*g*) of section 144; in clause (*c*) of section 220, the words "that there be at all times maintained in	*For* "Local Government" *read* "Resident at Hyderabad." *For* "British India" *read* "the Hyderabad Assigned Districts," except in the first place in which the phrase occurs in section 172, where it should be read as including the Hyderabad Assigned Districts. In clause 3 of section 1, *for* "the first day of May, 1882," *read* "the 22nd day of September 1884." In section 3, *for* the definitions of "Court" and "District Court" *read* "'Court,' and 'District Court,' mean the principal Civil Court of original jurisdiction in a district." In sections 123, 218, and 219, *for* "High Court" *read* "Court of the Judicial Commissioner."

1	2	3	4
Number and year.	Title or short title.	Extent of application.	Modifications.
VI of 1882...	The Indian Companies Act, 1882.	each of the towns of Calcutta, Madras and Bombay at least one such office, and"; and the second paragraph of section 252.	In section 26, *for* "one of its Secretaries" and in section 36 *for* "one of the Secretaries to such Government" *read* "his Secretary." In section 55, *for* "any Judge of a High Court" *read* "the Court of the Judicial Commissioner." In section 65, *for* "such district" *read* "the Hyderabad Assigned Districts." In section 68, *for* "The High Court or any Judge thereof" *read* "The Court of the Judicial Commissioner." In section 130, *for* the last fifty-two words *read* "the Court of the Judicial Commissioner, in which case the word 'Court' shall mean the Court of the Judicial Comsioner." In section 171, *for* "the High Court" and "a High Court" *read* "the Court of the Judicial Commissioner." In section 254, *for* "High Court" *read* "Resident."
VIII of 1882	To amend the Indian Penal Code.	The whole Act ...	In sections 9 and 11, *for* "British India" *read* "the Hyderabad Assigned Districts"; and in section 11 omit the words "and it shall come into force on the 1st day of January 1883."

No. 3567 *I.*—**The Acts mentioned in the Schedule hereto annexed are repealed in the Hyderabad Assigned Districts with effect from the dates specified in the fourth column thereof opposite each Act :—**

Schedule.

Acts.			Dates from which repeal is to take effect.
Number.	Year.	Subject.	
XIV ...	1843	Salt	11th May 1877.
XXXVI ...	1855	Salt	11th May 1877.
XIX ...	1862	Salt	11th May 1877.
VII ...	1864	Salt	11th May 1877.
XXIV ...	1867	Administrator-General ...	The date of this notification.
XIX ...	1869	Administration of Estates	Ditto.
XXI ...	1869	European Vagrancy ...	Ditto.
XXVIII ...	1871	European Vagrancy ...	Ditto.
XXI ...	1872	Native Military Lunatics...	Ditto.
X ...	1874	Salt	11th May 1877.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 23rd September 1884.

No. 3636.—In accordance with the Resolution of the Government of India in the Department of Finance and Commerce, No. 112, dated 6th April 1883, notice is hereby given that the original Promissory Notes mentioned on the subjoined list (of which duplicates have been applied for on the allegation that the originals have been lost) will be discharged at the General Treasury of Fort William on 31st December 1884, with all interest due upon them, and that upon that date all further interest upon such Notes shall cease :—

No. of the Note.	Value.	In whose name issued.	From what date the lost Note bears interest.	Claimant for duplicate.	Remarks.
	Rs.				
089468 4% 1842-43	1,000	Bank of Bengal	1st August 1881 ...	Goshy Churn Doss, care of Dwarka Nath Dutt, Attorney-at-Law, 3 Hastings Street.	Case No. 60.
067609 „ „	500	Ditto	1st August 1881 ...	Ditto	„ 60.
053583 „ 1865	500	Nobo Coomar Acharji ...	1st November 1877	Lakhan Chunder Acharji, care of Bama Churn Roy, East Indian Railway, Agent's Office, Calcutta.	„ 62.
034126 „ Rd. 1879	4,000	Triposore Shashagerow, of Aska, Ganjam.	No interest paid since issue.	Triposore Shashagerow, of Aska, Ganjam.	
003254 / 001285 4% 1835-36	2,500	Narsu Babji Sanch Wayakar ...	31st March 1868 ...	Mt. Umabai	„ 484.
001015 / 000088 4% 1865	2,000	Ditto	1st May 1868 ...	Ditto	„ 484.

No. 3637.—The following lists of Notes which were advertised for discharge in Notifications Nos. 3273 and 3274, dated 15th September 1883, are republished in accordance with Financial Department Resolution No. 112, dated 6th April 1883.

No. 1.

List of Government Promissory Notes advertised on which interest is paid under orders of the Comptroller General, but duplicates of which have not yet been issued subsequent to Financial Notification, dated 4th September 1873.

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	Rs.				
000078 3½% 1853-54	1,600	Mootoo Sawmy Pillay... ...	August 31, 1871	Mootoo Swamy Pillay ...	Case No. 36.
000478 „ „	5,000	Shama Sundary	February 29, 1876	Shama Sundary	„ 13.
65 4% 1832-33	3,100	J. A. Hawkins, Registrar, Sudder Dewany Adalat.	May 1, 1852	Ranee Chunder Cally Dabee, Executrix of Rajah Gunesh Chunder Roy.	
14663 „ „	5,000	Moti Khanum	November 1, 1856	Bisheshar Persad † ...	Case No. 55.
Ct 4403 „ „	6,500	The Registrar, Sudder Dewany Adalat.	May 1, 1872	Monee Brindo Dabee by her attorney Jogendra Lall Mookerjee.	
000936 „ „	2,000	Hurrish Chunder Ghuttuck ...	November 1, 1873	Hurrish Chunder Ghuttuck.	
Ct 001565 „ „	2,000	M. Amoorthlingum	May 1, 1878	P. Ramaswamy Moodeliar	Case No. 12.
Ct 001566 „ „	3,000	Ditto	Ditto	Ditto	„ 12.
Ct 6339 „ 1835-36	500	Krishto Mohun Mitter ...	March 31, 1863	Madhub Chunder Chatterji.	
2709 „ „	1,000	Motee Khanum	September 30, 1856	Bisheshar Persad† ...	„ 55.
005940 „ „	2,800	Mootoo Sawmy Pillay... ...	September 30, 1871	Mootoo Swamy Pillay ...	„
10948 „ „	500	James English...	March 31, 1868	Madho Mistry.	
006592 „ „	500	Hurrish Chunder Ghuttuck ...	March 31, 1877	Hurrish Chunder Ghuttuck.	
006296 „ „	500	Ditto ...	September 30, 1873	Ditto.	
005783 „ „	600	Nobokissory Dassee	September 30, 1872	Nobokissory Dassee.	
001262 „ „	1,000	Sreenath Mookerjee	March 31, 1871	Doyal Chand Seal.	
000671 „ „	2,000	Ladli Persaud	Ditto	Ladli Persaud.	
009710 „ „	500	Rajnarain Chatterjee	March 31, 1875	Rajnarain Chatterjee.	
008612 „ „	1,000	Kadumbini Debee	September 30, 1874	Hura Kumar Gossain and Soorjee Kumar Gossain.	Case No. 3.
011382 „ „	1,000	Ditto	Ditto	Ditto	„ 8.
015719 „ „	1,000	Bank of Bengal	March 31, 1877	Heera Lall	„ 16.
008595 „ „	1,000	Prem Chand Bose	September 30, 1870	Sham Chand Bose ...	„ 21.
002614 „ „	500	Nobin Chunder Paul	September 30, 1871	Rohoram Banerjee ...	„ 19.
3981—14965 4%	1,000	Raja Indoo Bhusun Deb Roy	March 31, 1861	Poorno Chunder Gangooly	„ 36.
007603 4% 1842-43	3,500	Mootoo Sawmy Pillay... ...	August 1, 1871	Mootoo Sawmy Pillay ...	
016383 „ „	500	Balcrustna Myaram	August 1, 1870	Balcrustna Myaram.	
017477 „ „	5,000	Wazeeroonnissa Khanum ...	August 1, 1872	Yakoob Ally Khan.	
017479 „ „	2,000	Ditto ...	Ditto	Ditto.	
20822 „ „	500	Hurry Nath Mookerjee ...	February 1, 1861	Behary Bhoosun Mookerjee	
21200 „ „	500	Ditto	Ditto	Ditto.	
024259 „ „	1,000	Bholanath Mitter	February 1, 1873	Bholanath Mitter.	
024261 „ „	1,000	Ditto	Ditto	Ditto.	
011852 „ „	1,000	Netye Cffurn Bysack	August 1, 1874	Nabee Buksh Shekdar.	
029914 „ „	1,000	Tara Sundary Dabee		Tara Sundary Dabee.	

* Notice of discharge withdrawn by consent.

† To be renewed on Bond.

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	Rs.				
013697 4% 1842-43	500	Hurrish Chunder Ghuttuck ...	February 1, 1873	Hurrish Chunder Ghuttuck.	
013698 „ „	500	Ditto ...	Ditto	Ditto.	
013699 „ „	1,000	Ditto ...	February 1, 1874	Ditto.	
023259 „ „	1,000	Ditto ...	August 1, 1873	Ditto.	
014164 „ „	1,000	Ditto ...	Ditto	Ditto.	
013131 „ „	500	Ditto ...	February 1, 1873	Ditto.	
014326 „ „	500	Ditto ...	August 1, 1873	Ditto.	
Ct 14914 „ „	1,000	The Bank of Bengal	August 1, 1871	Doyal Chund Seal.	
18998 „ „	1,000	Pettumber Dhur	Ditto	Ditto.	
034182 „ „	1,000	Jeevunjee Bomanjee, Harmusjee Pestonjee, & Fuckerjee Lunjee	August 1, 1874	Harmusjee Pestonjee and Fuckerjee Lunjee.	
002540 „ „	1,000	Peary Mohun Ghossamy ...	August 1, 1866	Guru Churn Chuckerbutty.	
040876 „ „	5,000	Bepro Dass Dass	August 1, 1877	Bepro Dass Dass.	
075291 „ „	10,000	Penumatcha Seetaramaraga ...	Ditto	Penumatcha Seetaramaraga Garra.	
029160 „ „	4,000	Mothoora Nath Sircar ...	February 1, 1878	Nilcunto Pall.	
024731 „ „	2,000	Ramlall Buddredoss	February 1, 1854	Moonshi Newal Kissore ...	Case No. 362.
056608 „ „	1,000	Oriental Bank Corporation ...	February 1, 1878	Degumbery Dabee ...	„ 355.
035874 „ „	1,000	Bank of Bengal	February 1, 1877	Shoobunnesury Dabee ...	„ „
019889 „ „	5,400	Kadumbini Debee	February 1, 1875	Hurroo Kumar Gossain and Soorjee Kumar Gossain.	„ 3.
045164 „ „	1,000	Mungamur Lakshminarsoo and Mangamur Lakshmamma.	August 1, 1879	Mungamur Lakshminarsoo and Mungamur Lakshmamma.	„ 2.
047000 „ „	1,000	Mohes Chunder Sen	February 1, 1877	Mohesh Chunder Sen.	„ 32.
047001 „ „	1,000	Ditto	Ditto	.....	„ 32.
047002 „ „	1,000	Ditto	Ditto	.....	„ 32.
047003 „ „	1,000	Ditto	Ditto	.....	„ 32.
000248 / Ct 19682 „ „	1,000	Executive Commissariat Officer, Kussowlee.	February 1, 1866	Jowala Persaud ...	„ 25.
083982 „ „	1,800	Mungamur Lakshminarsoo and Mungamur Lakshmamma.	June 30, 1879	Mungamur Lakshminarsoo and Mungamur Lakshmamma ...	„ 2.
Ct 401 „ „	1,000	Gopal Chand Seal & Co. ...	December 31, 1862	Madhub Chunder Chatterjee	
33666 „ „	4,100	Motee Khanum	December 31, 1856	Bisheshar Persad* ...	Case No. 55.
009974 „ „	300	Udit Chunder Addy	August 1, 1880	Gopal Chunder Ghose ...	„ 38.
039090 „ „	500	The Bank of Bengal	February 1, 1879	Mr. S. J. Stuart ...	„ 40.
039487 „ „	500	S. T. Moysey	Ditto	Ditto ...	„ 40.
089923 „ „	500	Collector of Allahabad ...	August 1, 1879	Subadhar Boghaul Singh	„ 47.
038637 „ „	500	Bank of Bengal	Ditto	Ditto ...	„ 47.
052000 „ „	5,000	E. D. I. Ezra	February 1, 1878	Indromoni Dassee, Administratrix, Estate Gunga Narayon Sircar.	„ 48.
056251 „ „	5,000	Chartered Mercantile Bank ...	Ditto	Ditto ...	„ 48.
001129 / Ct 18161 „ „	1,000	Ram Rutton Bose	August 1, 1874	Drobomoyee Dabee ...	„ 52.
10299—17252, 4% 1854-55.	1,000	Administrator General, Bengal	June 30, 1868	Sreemutty Baba Sundary Dabee.	„ 24.
018972 4% 1854-55	4,600	Mungamur Nursein Harrow ...	June 30, 1878	Mungamur Nursein Harrow	„ 28.
014428 „ „	1,000	Hurrish Chunder Ghuttuck ...	December 31, 1873	Hurrish Chunder Ghuttuck.	
024588 „ „	1,000	Ditto ...	Ditto	Ditto.	
43985 „ „	1,000	Pettumber Dhur	June 30, 1871	Doyal Chund Seal.	
021160 „ „	500	Khetter Gopal Sen	June 30, 1873	Khetter Gopal Sen.	
027795 „ „	1,000	Kalandoss Muncharam ...	December 31, 1877	Gurdhunbhai Doyaram.	
034705 „ „	1,000	J. H. Belchambers, W. L. Wenger, J. S. Sykes, and R. Williamson.	June 30, 1878	Survivors of the holders.	
25289 „ „	2,000	Mootoo Sawmy Pillay	June 30, 1871	Mootoo Sawmy Pillay ...	Case No. 36.
019182 „ „	500	Prem Chunder Bose	December 31, 1870	Sham Chand Bose ...	„ 15.
011859 „ „	500	Bhojokisto Mullick & Sons ...	June 30, 1877	Bhojokisto Mullick & Sons	„ 44.
42809 „ „	600	A. M. Sutherland	June 30, 1879	C. J. Vencata Soobbiah ...	„ 56.
022431 „ „	900	Bank of Madras	Ditto	Ditto ...	„ 56.
019741 „ „	2,500	Ditto	Ditto	Ditto ...	„ 56.
086119 „ 1865	500	Troylucko Mohinee Dassee ...	November 1, 1877	Troylucko Mohinee Dasee	„ 430.
2766 „ „	500	Modhoo Soodun Bose	May 1, 1867	Saroda Churn Bose.	
041413 „ „	500	Goolab Shunker Doobey ...	November 1, 1872	Goolab Shunker Doobey.	
045261 „ „	1,000	The Bank of Bengal	November 1, 1873	Byramjee Harmusjee.	
003330 „ „	2,000	Netye Churn Bysack	November 1, 1872	Nabee Buksh Shekdar.	
1305 „ „	500	Toolsey Dass Mullick	May 1, 1873	Wooma Churn Chuckerbutty.	
017194 „ „	500	Hurrish Chunder Ghuttuck ...	Ditto	Hurris Chunder Ghuttuck.	
052804 „ „	500	Gopal Chunder Sreemany ...	Ditto	Ram Gopal Paul and Deno Nauth Ruckhit.	
055837 „ „	500	Bijraj Jagram	Ditto	Ditto.	
028408 „ „	500	Khetter Gopal Sen	November 1, 1873	Khetter Gopal Sen.	
037506 „ „	500	The Bank of Bengal	November 1, 1875	Comul Churn Endro.	
082310 „ „	3,000	Joggon Mohini Dabee ...	May 1, 1876	Joggon Mohinee Dabee.	
060464 „ „	500	The National Bank of India, Limited.	November 1, 1874	Octavius Steel.	
059217 „ „	900	Ditto ...	Ditto	Ditto.	
060053 „ „	600	Ditto ...	Ditto	Ditto.	
085045 „ „	5,000	Dr. Charles J. Jackson, and William M. Souttar.	May 1, 1877	Sreeram Chunder Pal.	
087736 „ „	6,000	Modhoobun Dass Dwarka Doss	Ditto	Jadob Chunder Pal.	
002175 „ „	2,000	Brojo Nath Mullick and others, Executors of Tarruck Nath Mullick.	May 1, 1876	Sheik Nazir Mundle and Sheik Syed Mundle.	

* To be renewed on Bond.

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	Rs.				
036859 4°/₀ 1865 ...	1,000	E. E. J. Tweedie	November 1, 1875	Prosono Coomar Bose.	
066583 „ „	1,300	The Administrator General, Bengal.	November 1, 1877	The Deputy Commr of Delhi, Admr. of G. D. E. Dorris.	
063409 „ „	5,000	Dheer Chand Pal	Ditto ...	Dheer Chand Pal.	
063410 „ „	5,000	Ditto	Ditto ...	Ditto.	
063411 „ „	2,000	Ditto	Ditto ...	Ditto.	
063412 „ „	500	Ditto	Ditto ...	Ditto.	
063413 „ „	500	Ditto	Ditto ...	Ditto.	
063618 „ „	1,500	Ditto	Ditto ...	Ditto.	
066944 „ „	500	Bissonath Bakchee	May 1, 1878	Prossono Coomar Bakchee.	
093935 „ „	500	J. H. Belchambers, W. L. Wenger, G. S. Sykes, and R. Williamson.	Ditto ...	Survivors of the holders.	
099215 „ „	1,000	Baroda Prasad Mookerjee and another.	May 1, 1879	Ishan Chunder Bose ...	Case No. 7.
107595 „ „	500	Ditto	Ditto ...	Ditto	Case No. 7.
095796 „ „	1,000	Bank of Bengal	May 1, 1877	Hora Lall	„ 8.
090048 „ „	500	Luchmee Chand Radhakisen ...	May 1, 1879	Shoobol Chundra Sen ...	„ 11.
075629 „ „	500	Gopal Chunder Sreemany ...	November 1, 1875	Nilmoni Ghose	„ 26.
032266 „ „	1,000	Mohes Chunder Sen	November 1, 1876	Mohes Chunder Sen ...	„ 32.
032267 „ „	1,000	Ditto	Ditto ...	Ditto	„ 32.
032268 „ „	1,000	Ditto	Ditto ...	Ditto	„ 32.
032269 „ „	1,000	Ditto	Ditto ...	Ditto	„ 32.
115472 „ „	500	Helen T. Schumacher... ...	November 1, 1879	Helen T. Schumacher ...	„ 16.
115473 „ „	500	Ditto	Ditto ...	Ditto	„ 16.
115474 „ „	500	Ditto	Ditto ...	Ditto	„ 16.
5256 „ „	500	E. E. Petrococchino, & Co. ...	May 1, 1868	S. Bama Soondry Dabee ...	„ 24.
000208 „ „	500	Kartick Chunder Burral ...	Ditto ...	Ditto	„ 24.
078693 „ „	500	National Bank of India, Ld. ...	May 1, 1880	Ram Coomar Chooramony.	„ 20.
037871 „ „	500	Dyal Chund Sahoye	May 1, 1873	Brijendra Coomar Sen ...	„ 30.
048219 „ „	500	Mooltan Chund	May 1, 1876	Chunno Lall	„ 31.
050218 „ „	500	Deb Nath Sreemany	May 1, 1880	Kadumbeeni Dassi ...	„ 33.
094140 „ „	900	Ditto	November 1, 1878	Dwarkanath Pyne* ...	„ 34.
106893 „ „	1,000	National Bank of India ...	May 1, 1878	Golal Chand Heerjee Kottra.	„ 39.
106894 „ „	1,000	Ditto	Ditto ...	Ditto	„ 39.
106895 „ „	1,000	Ditto	Ditto ...	Ditto	„ 39.
106896 „ „	1,000	Ditto	Ditto ...	Ditto	„ 39.
106688 „ „	1,000	Bank of Madras	November 1, 1879	Ditto	„ 56.
106686 „ „	1,000	Ditto	Ditto ...	Ditto	„ 56.
036554 „ „	2,000	Ditto	Ditto ...	Ditto	„ 56.
067785 „ „	2,000	Ditto	Ditto ...	Ditto	„ 56.
004614 4½°/₀ 1872, now reduced 4°/₀ 1879.	800	The Chartered Mercantile Bank of India, London, and China.	January 16, 1872	Khettur Nath Moostophi, and Chundergutty Moostophi.	
004407 „ „	500	Hurrish Chunder Ghuttuck ...	January 16, 1874	Hurrish Chunder Ghuttuck.	
004534 „ „	1,000	Ditto	July 16, 1873	Ditto.	
023973 „ „	5,000	Beethal Pershad	Ditto ...	Beethal Persaud.	
007068 „ „	500	Mooktamoni Dabee	January 16, 1872	Mooktamoni Dabee.	
013984 „ „	500	Denonath Gangooly	Ditto ...	Denonath Gangooly.	
032999 „ „	1,000	Mooktamoni Dabee	Ditto ...	Mooktamoni Dabee.	
034511 „ „	500	Ditto	Ditto ...	Ditto.	
012607 „ „	1,000	Pundit Sheo Churn	Ditto ...	Pundit Sheo Churn.	
056278 „ „	500	Charcoondah Rama Chundriah	July 16, 1876	Charcoonda Rama Chundriah.	
054501 „ „	1,100	Ramtaruk Mookerjee	July 16, 1877	Kadumbini Dabee.	
027898 „ „	1,000	Nowrojee Bazonjee Fuckerjee	January 16, 1877	Merwanjee Franjee Moody and Jarbai.	
024163 „ „	1,000	Dhunjeebhoy Nanobhoy ...	Ditto ...	Ditto.	
028833 „ „	1,000	J. W. Chisholm	Ditto ...	Ditto.	
028834 „ „	1,000	Ditto	Ditto ...	Ditto.	
041272 „ „	1,000	C. M. H. Day	January 16, 1875	Vullub Dass Heera Chund.	
049224 „ „	1,000	Kahandas Muncharam ...	January 16, 1878	Gordhunbhai Doyram.	
049225 „ „	1,000	Ditto	Ditto ...	Ditto.	
005172 „ „	1,000	Bhoobun Mohinee Dassee ...	January 16, 1877	Bhoobun Mohinee Dassee.	
008776 „ „	500	Bunsi Lal Abeerchand ...	July 16, 1874	P. Doorgachellum Moodeliar.	Case No. 1.
043475 „ „	4,000	Jose Fransisco de'Piedade Pereira.	January 16, 1872	Jose Andre Pereira ...	„ 9.
034522 „ „	500	Pundit Harshahye and his wife Roopnanti.	January 16, 1874	Pundit Harshahye and his wife Roopnanti.	„ 23.
034523 „ „	500				
005235 „ „	500	Rajkristo Banerjee	July 16, 1874	Omesh Chunder Banerjee.	
027710 „ „	1,000	Mohes Chunder Sen	January 16, 1877	Mohes Chunder Sen ...	„ 23.
027711 „ „	1,000	Ditto	Ditto ...	Ditto	„ 27.
049816 „ „	500	S. T. Mowjee	January 16, 1879	Mrs. S. J. Stuart ...	„ 33.
077055 „ „	3,000	Bhawanji Khetsi Chatti ...	July 16, 1876	Dabidass Pranjivan Das ...	„ 40.
061360 „ „	500	J. Alamalamena	January 16, 1878	Mysore Streenivasa Rao ...	„ 41.
065878 „ „	500	Bank of Bengal	January 16, 1880	Helen T. Schumacher ...	„ 42.
A 011498 „ „	5,000	Ram Lall Buddree Das ...	January 16, 1881	Registrar, High Court, Allahabad.	„ 16.
A 006468 „ „	500	Seeta Nauth Mytee	July 16, 1879	Seeta Nauth Mytee ...	„ 49.
059007 „ „	500	Dr. John Meane	January 16, 1879	Dr. John Meane ...	„ 53.
059008 „ „	500	Ditto	Ditto ...	Ditto	„ 54.
059009 „ „	1,200	Ditto	Ditto ...	Ditto	„ 54.
029091 „ „	600	Bank of Madras	July 16, 1879	C. J. Vencata Soobbiah ...	„ 56.

* To be renewed on Bond.

No. 2.

List of lost Government Promissory Notes advertised, duplicates of which have been issued under orders of the Comptroller General subsequent to Financial Notification, dated 4th September 1873.

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	Rs.				
490 3½°/₀ 1853-54	10,000	Shama Soondry	February 28, 1867	Shama Soondry.	
491 „ „	10,000	Ditto	Ditto ...	Ditto.	
492 „ „	3,000	Ditto	Ditto ...	Ditto.	
164 „ „	600	Soolayman Mirza	February 29, 1856	Soolayman Mirza.	
10084 4°/₀ 1832-33	Sic. 500	Shibnarain Roy	May 1, 1842	Shibnarain Roy.	
12380—4231 4°/₀ 1835-36.	1,000	Shama Churn Ghose	March 31, 1871	Shama Churn Ghose.	
6737—3298,	500	Boly Chand Dutt	March 31, 1866	Boly Chund Dutt.	
006752 „ „	1,100	Rakhal Chunder Bhuttacharjee	September 30, 1872	Rakhal Chunder Bhuttacharjee.	
006814 „ „	500	Tara Churn Bhuttacharjee ...	Ditto ...	Tara Churn Bhuttacharjee.	
006122 „ „	1,000	Suburban Municipality, Alipore	.....	Suburban Municipality, Alipore.	Case No. 57.
8186 „ 1842-43	500	Shama Churn Chatterjee ...	February 1, 1861	Shama Churn Chatterjee.	
8475—17794,	500	Brojo Gobind Shaha	February 1, 1869	Brojo Gobind Shaha.	
11380 „ „	700	Ditto	Ditto. ...	Ditto.	
6024 „ „	500	Cassee Nath Dhur	August 1, 1859	Shiboo Soondry Dassee.	
16245 „ „	5,000	Nobokristo Ghose, deceased ...	August 1, 1865	Monemohun Ghose and Saroda Soondry Dassee.	
8653—9563 „	3,000	Ditto	Ditto ...		
017871 „ „	500	Kadumbini Dassee	February 1, 1873	Kadumbini Dassee.	
000254 „ „	1,000	Ditto	Ditto ...	Ditto.	
020284 „ „	500	Ditto	Ditto ...	Ditto.	
011009 „ „	2,000	Ditto	Ditto ...	Ditto.	
021705 „ „	1,000	Unnoda Churn Bhuttacharjee	August 1, 1872	Unnoda Churn Bhuttacharjee.	
Ct. 18856 „ „	500	Modoosooden Chunder ...	Ditto ...	Ditto.	
21611 „ „	600	Nobin Chunder Dass	August 1, 1870	Nobin Chunder Dass.	
022862 „ „	500	Modhoo Soodun Chowdry ...	August 1, 1873	Ditto. ...	
038336 „ „	1,000	W. T. Lindsay	February 1, 1875	John Lindsay, Administrator of W. T. Lindsay.	
016542 „ „	10,700	H. Palmer	August 1, 1878	The Revd. Robert Milford Taylor, R. M. Taylor, Jr., and Alicia Mary Taylor.	
Ct. 14713 „ „	500	Anoop Chunder Moolcund ...	August 1, 1858	Bazoonjee Furdoonjee.	
056370 „ „	1,000	The Chartered Mercantile Bank of India, London, and China.	August 1, 1878	V. Kristnama Chetty.	
056453 „ „	2,000	Ditto	Ditto ...	Ditto.	
056371 „ „	1,000	Ditto	Ditto ...	Ditto.	
056372 „ „	1,000	Ditto	Ditto ...	Ditto.	
060125 „ „	1,000	The Agra Bank, Limited ...	Ditto ...	Ditto.	
063895 „ „	1,000	The Bank of Bombay ...	Ditto ...	Ditto.	
059414 „ „	1,000	The Oriental Bank Corporation	Ditto ...	Ditto.	
059152 „ „	100	The Bank of Bombay	February 1, 1879	Surgeon H. D. Mussani.	
035207 „ „	100	The Chartered Mercantile Bank of India, London, and China.	Ditto ...	Ditto.	
065211 „ „	100	Ditto	Ditto ...	Ditto.	
1133 „ „	500	Kallypodo Mookerjee, deceased	February 1, 1862	Sowdamini Dabee.	
6970 „ „	1,000	The Executive Commissariat Officer, Fort William.	Ditto ...	Ditto.	
049945 „ „	2,000	The Bank of Bengal	February 1, 1878	Mohomed Wujhoollah Khan.	
077070 „ „	500	Seetanath Mytee	February 1, 1879	Seetanath Mytee ...	Case No. 18.
017528 „ „	500	Digumberry Dassee	August 1, 1874	Digumberry Dassee ...	„ 236.
112962 „ „	500	Bank of Bengal	.....	Collector of Bulandshahr...	„ 36.
3166 „ „	500	Bama Cally Dabee	February 1, 1874	Bama Cally Dabee ...	„ 51.
077312 „ „	500	Suburban Municipality, Alipore	.....	Suburban Municipality, Alipore.	„ 57.
066820 „ „	100	Ditto	.....	Ditto	„ 57.
052975 „ „	100	Ditto	.....	Ditto	„ 57.
051136 „ „	100	Ditto	.....	Ditto	„ 57.
010804 „ „	500	Ditto	.....	Ditto	„ 57.
069450 „ „	100	Ditto	.....	Ditto	„ 57.
057185 „ „	100	Ditto	.....	Ditto	„ 57.
057188 „ „	100	Ditto	.....	Ditto	„ 57.
000485 „ „	2,000	Ditto	.....	Ditto	„ 57.
077377 „ „	300	Ditto	.....	Ditto	„ 57.
20762 „ 1854-55	500	D. McCulluch	June 30, 1859	Shiboo Soondery Dassee.	
2830—17672	500	Obhoy Churn Dutt	Ditto ...	Ditto.	
026294 „ „	50,000	H. B. Goodall	December 31, 1873	H. B. Goodall.	
024455 „ „	10,000	Ditto	Ditto ...	Ditto.	
024456 „ „	1,000	Ditto	Ditto ...	Ditto.	
026295 „ „	4,000	Ditto	Ditto ...	Ditto.	
022758 „ „	1,000	The Oriental Bank Corporation	Ditto ...	Ditto.	
027593 „ „	2,000	The Allahabad Bank, Limited	Ditto ...	Ditto.	
022887 „ „	5,000	Major J. W. Hoggan... ...	December 31, 1873	The Delhi and London Bank, Limited.	
38714 „ „	4,000	Nobokristo Ghose, deceased ...	December 31, 1865	Monomohun Ghose and Saroda Soondery Dassee.	
17950 „ „	1,500	Ditto	Ditto ...	Ditto.	

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	Rs.				
7532 4°/₀ 1854-55	500	Ruggoonath Succaba, deceased	December 31, 1867	Morabha Saccaram.	
772—18295 „	1,000	Boly Chund Dutt	June 30, 1856	Boly Chund Dutt.	
001886 „ „	1,000	Moolchand Premjee & Co. ...	June 30, 1875	Captain F. J. Palmer.	
008379 „ „	500	Greesh Chunder Mitter ...	June 30, 1872	Unnoda Churn Bhuttacharjee.	
016140 „ „	500	Rakhal Doss Bhuttacharjee ...	Ditto ...	Rakhal Chunder Bhuttacharjee.	
016138 „ „	1,000	Obhoy Churn Bhuttacharjee ...	Ditto ...	Obhoy Churn Bhuttacharjee.	
009231 „ „	1,000	Ditto	Ditto ...	Ditto.	
10927—11615 „	500	The Executive Commissariat Officer, Gwalior.	June 30, 1865	Rebecca Jhonstone.	
9815 of $\frac{1088}{6}$ „	500	The Administrator General, Administrator to the Estate of H. Randolph	June 30, 1874	Tara Kissur Mookerjee.	
36507 „	2,000	Bullakedass Khemchand ...	December 31, 1863	Veejchand Keekachand.	
39958 „	1,000	Ditto	December 31, 1862	Ditto.	
6392—26308 „	1,000	Ditto	Ditto ...	Ditto.	
011009 „ „	1,000	The Administrator General, Bengal.	December 31, 1877	The Deputy Commissioner of Delhi, Administrator of G. D. E. Dorris.	
1868—9358 „	500	The Deputy Commissary General, Upper Circle.	December 31, 1861	Sowdamini Dabee.	
058157 4°/₀ 1865	500	The National Bank of India, Limited.	May 1, 1874	Opendro Nauth Mitter.	
011620 „ „	1,000	J. W. Smyth	November 1, 1869	J. W. Smyth.	
011621 „ „	1,000	Ditto	Ditto ...	Ditto.	
011622 „ „	1,000	Ditto	Ditto ...	Ditto.	
011623 „ „	1,000	Ditto	Ditto ...	Ditto.	
011624 „ „	1,000	Ditto	Ditto ...	Ditto.	
055948 „ „	2,000	Bevole Nauth Haldar	May 1, 1873	Bevole Nauth Haldar.	
2009 „ „	1,000	Bank of Hindustan, China and Japan, Limited.	May 1, 1865	Khetter Mohun Nag.	
020899 „ „	500	Jebun Kristo Mullick ...	November 1, 1869	Doorga Churn Mullick.	
030158 „ „	500	Dyal Chund Saboe	November 1, 1870	James Brown.	
1802 „ „	500	Cossi Nauth Mookerjee ...	May 1, 1873	Luckhy Money Dassee.	
035154 „ „	500	Mehr Lall Shamunto	Ditto ...	Mehr Lall Shamunto.	
068458 „ „	1,000	W. T. Lindsay	May 1, 1875	John Lindsay, Administrator of W. T. Lindsay.	
068459 „ „	1,000	Ditto	Ditto ...	Ditto.	
095149 „ „	500	Tarinv Churn Ghose	May 1, 1877	Chotay Lall.	
099158 „ „	500	Gourang Chunder Sirkar ...	Ditto ...	Gourang Chunder Sirkar.	
099159 „ „	500	Ditto	Ditto ...	Ditto.	
107375 „ „	700	Nogar Mull	November 1, 1878	The Executive Commissariat Officer, Umballa.	
086879 „ „	1,000	Bulloverder Doss	Ditto ...	The Uncovenanted Service Bank, Limited.	
097595 „ „	1,000	H. L. Tonnochee	May 1, 1876	H. L. Tonnochee.	
099542 „ „	1,000	The Joint Administrators of Bhownagar State.	November 1, 1878	V. Krisstnama Chetty.	
014095 „ „	800	The Administrator General, Bengal.	November 1, 1877	The Deputy Commissioner of Delhi, Administrator of G. D. E. Dorris.	
018419 „ „	800	Ditto	Ditto ...	Ditto.	
027720 „ „	1,000	Chartered Mercantile Bank ...	Ditto ...	Lieut.-Col. A. Copland ...	Case No. 22.
027942 „ „	500	Byramji Nusserwanje Sohi ...	May 1, 1878	Ditto	„ 22.
094745 „ „	500	Executive Commissariat Officer, Morar.	Ditto ...	Ditto	„ 22.
055526 „ „	1,000	Tabitha Forrester	May 1, 1873	Tabitha Forrester ...	„ 422.
094817 „ „	3,500	Officer in charge, Residency, Indore.	.....	Officer in charge, Residency, Indore.	
155422 „ „	1,000	Suburban Municipality, Alipore	.....	Suburban Municipality, Alipore	Case No. 57.
056787 „ „	10,000	Ditto	.....	Ditto	„ 57.
056799 „ „	2,000	Ditto	.....	Ditto	„ 57.
056788 „ „	1,000	Ditto	.....	Ditto	„ 57.
056797 „ „	1,000	Ditto	.....	Ditto	„ 57.
056796 „ „	1,000	Ditto	.....	Ditto	„ 57.
056791 „ „	1,000	Ditto	.....	Ditto	„ 57.
056798 „ „	1,000	Ditto	.....	Ditto	„ 57.
056789 „ „	500	Ditto	.....	Ditto	„ 57.
056790 „ „	500	Ditto	.....	Ditto	„ 57.
056792 „ „	500	Ditto	.....	Ditto	„ 57.
056793 „ „	500	Ditto	.....	Ditto	„ 57.
056794 „ „	500	Ditto	.....	Ditto	„ 57.
056795 „ „	500	Ditto	.....	Ditto	„ 57.
056847 „ „	500	Ditto	.....	Ditto	„ 57.
056848 „ „	500	Ditto	.....	Ditto	„ 57.
049461 „ „	500	Ditto	.....	Ditto	„ 57.
109021 „ „	2,000	Ditto	.....	Ditto	„ 57.
131234 „ „	500	Ditto	.....	Ditto	„ 57.
111627 „ „	500	Ditto	.....	Ditto	„ 57.
049799 „ „	500	Ditto	.....	Ditto	„ 57.
005806 4½°/₀ 1870	700	The Bank of Madras	January 15, 1872	Lalladhur Zavirchund.	
000996 „ „	500	Chundy Churn Ghose	July 15, 1873	Chundy Churn Ghose.	
048736 „ 1872	1,000	Shumboo Pundoorung ...	January 16, 1879	The Deputy Commissioner of Balaghat.	

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	Rs.				
056565 4½°/₀ 1872	10,000	The Bank of Madras ...	January 16, 1876	V. Thavasumatha Nadan.	
025359 „ „	5,000	The Chartered Mercantile Bank of India, London and China.	July 16, 1877	Davidass Pranjeevandas.	
008825 „ „	500	J. W. Fordham	January 16, 1879	Seetanath Mytee ...	Case No. 18.
065269 „ „	3,000	Aspinwall and Co.	July 16, 1878	Aspinwall	„ 29.
033562 „ „	1,000	P. Valloida Chetty	January 16, 1878	Ditto	„ 29.
033563 „ „	1,000	Ditto	Ditto	Ditto	„ 29.
033564 „ „	1,000	Ditto	Ditto	Ditto	„ 29.
000017 Nagpore-Raipur Railway Provincial Debenture loan of 1879, 4½ per cent.	200	Bema Pershad	July 1, 1880	Deputy Commissioner of Jubbulpore, on behalf of the Debenture-holders specified opposite.	„ 17.
000097	500	Nirunjun Pershad Sukul ...	Ditto		„ 17.
000098	500	Ditto	Ditto		„ 17.
000050	500	Doorga Pershad	Ditto		„ 17.
000167	500	Raja Mohip Singh	Ditto		„ 17.
000178	500	Sheodat Ram Sukul	Ditto		„ 17.
A 009862 Rd. 4°/₀ 1879	2,000	The Bank of Bengal	July 16, 1880	The Inspector General of Police, N. W. P.	
A 005090 „ „	5,000	The Agra Bank, Limited ...	Ditto	Ditto.	
060633 „ „	2,500	Nurshingh Doss	July 16, 1881	Treasury Office, Lahore, on behalf of Nurshingh Doss.	Case No. 455.
000010 Non-transferable 5°/₀ Try. Note.	500	Gopi Kabai, Manager of Mundir Vithul Rukmai.	September 16, 1874	Gopi Kabai, Manager of Mundir Vithul Rukmai.	Now notified for discharge.
003488, 5°/₀ 15 years' debenture.	1,000	The Bank of Bengal ...	June 1, 1878	Moonshee Purbhodial.	

The following Corrigendum to the Codes of the Financial Department is published for general information:—

No. 3621.

C. L. C.

PAGE 193.

Section 127, Exception 7.

Substitute the following for the words "who are employed exclusively on out-door work" *in line 7 of this Exception:*—

"Who are not employed exclusively on in-door work."

No. 3626.—In exercise of the powers conferred by Section 35 of the Court Fees Act, 1870, and with reference to Clause XI of Section 19 of the Court Fees Act, 1870, the Governor General in Council is pleased to remit the fees chargeable on applications for leave to occupy under direct engagement with Government land of which the revenue is settled, but not permanently, when made by persons who do not at the time of application hold such land.

No. 3648.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*
August 1884.

(Lakhs of Rupees.)

[For the explanation of these heads, see *Gazette of India*, dated 22nd December 1883, Part I, page 197.]	In August.		To end of August.		Whole year.	
	1884-85.	1883-84.	1884-85.	1883-84.	Budget, 1884-85.	Actuals (Preliminary), 1883-84.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation) ...	55	47	7,68	7,79	22,40	22,74
Opium ...	78	72	3,55	3,79	8,59	9,56
Salt ...	39	45	2,58	2,54	6,33	6,14
Stamps ...	32	31	1,60	1,55	3,53	3,50
Excise ...	30	31	1,64	1,57	3,80	3,83
Provincial Rates ...	6	5	99	1,04	2,74	2,81
Customs ...	5	6	39	48	1,29	1,19
Assessed Taxes ...	5	5	42	41	52	52
Forest (Madras and Bombay only) ...	2	2	10	10	38	34
Registration ...	3	3	13	14	26	26
Tributes from Native States ...	3	5	19	19	70	72
Other Civil Revenue ...	28	32	1,20	1,21	3,00	3,05
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS ...	2,86	2,84	20,17	20,81	53,54	54,66
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works ...	— 50	— 49	— 1,65	— 1,64	— 3,80	— 3,74
Opium ...	— 36	— 24	— 2,29	— 1,22	— 2,35	— 1,86
Exchange on transactions with London ...	— 11	— 29	— 1,20	— 1,63	— 3,72	— 3,93
Other Civil Expenditure ...	— 1,54	— 1,54	— 8,04	— 7,84	— 21,08	— 19,73
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS ...	— 2,51	— 2,56	— 13,18	— 12,33	— 30,95	— 29,26
Extraordinary Receipts ...	...	...	...	...	...	...
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts more, —Receipts less, than issues) ...	+ 7	+ 5	+ 31	+ 22	+ 47	+ 44
Forest, Telegraph, Marine (Net as above) ...	— 1	...	— 9	— 6	— 10	— 8
Guaranteed and Subsidized Railways (Net as above)	+ 14	+ 28	+ 1,86	+ 2,19	+ 4,65	+ 4,16
Do. Repayment of Surplus profits, &c. ...	...	...	— 3	— 10	— 45	
Military Receipts ...	+ 3	+ 8	+ 24	+ 32	+ 88	+ 83
Military Issues ...	— 89	— 93	— 4,81	— 4,79	— 11,88	— 11,66
Public Works Department—						
State Railways Receipts ...	+ 21	+ 14	+ 1,24	+ 96	— 2,09	+ 2,42
„ „ Issues ...	— 37	— 31	— 2,17	— 1,72		— 4,53
East Indian Railway Receipts ...	+ 25	+ 34	+ 1,62	+ 2,02	+ 2,45	+ 4,54
„ „ „ Issues ...	— 12	— 11	— 64	— 68		— 1,62
Ordinary Branches Receipts ...	+ 17	+ 17	+ 76	+ 79	— 4,96	+ 1,90
„ „ Issues ...	— 48	— 56	— 2,76	— 2,98		— 7,31
TOTAL NON-CIVIL DEPARTMENTS ...	— 1,00	— 85	— 4,47	— 3,83	— 11,03	— 10,91
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more, —Receipts less, than payments) ...	...	+ 1,50	— 2	+ 1,51	+ 2,50	+ 2,50
Mint Certificates and Bullion Advances (Net as above) ...	— 2	— 7	+ 12	+ 20	+ 3	+ 33
Council Bills paid (including Telegraphic) at Rs. 10 per £ ...	— 88	— 1,29	— 5,76	— 8,40	— 16,50	— 18,84
Other Debt heads (Net as above) ...	+ 1	— 17	+ 39	+ 13	+ 98	— 10
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 89	— 3	— 5,27	— 6,56	— 12,99	— 16,11
GRAND TOTAL RECEIPTS AND ISSUES	— 1,54	— 60	— 2,15	— 1,91	— 1,43	— 1,62
Opening Cash Balance in Treasuries and Presidency Banks ...	12,29	13,51	13,20	14,82	12,44	14,82
Closing Cash Balance in Treasuries and Presidency Banks ...	10,75	12,91	10,75	12,91	11,01	13,20

The 26th September 1884.

No. 3659.—Mr. J. Westland, Comptroller and Auditor General, on special duty in England, was granted, and availed himself of, privilege leave from the 4th July to the 19th August 1884, both dates inclusive.

No. 3660.—Mr. J. Westland, on return from special duty in England, resumed charge of his duties as Comptroller and Auditor General from Mr. E. F. T. Atkinson before noon on the 18th September 1884.

No. 3661.—Mr. E. F. T. Atkinson, on being relieved of the appointment of Officiating Comptroller and Auditor General, resumed charge of his duties as Accountant General, Bengal, from Mr. R. Logan before noon on the 18th September 1884.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 26th September, 1884.

FURLOUGH AND LEAVE.

No. 516.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel and Brevet Colonel F. Allen, Bengal S. C., Commandant, 18th Native Infantry, (p. a.) for one year, under rule IX of the regulations of 1868.

Major F. H. Maitland, Bengal S. C., Political Assistant, 1st class, Additional Political Agent, 2nd class, and Political Agent, Central India, (u. p. a.) for 91 days, under rule XI of the regulations of 1868.

Lieutenant W. S. Marshall, Bengal S. C., Wing Officer and Quartermaster, 19th Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Lieutenant T. S. M. Woolley, Bengal S. C., Squadron Officer, 2nd Bengal Cavalry, (m. c.) for one year, under rule VI of the regulations of 1875.

Lieutenant J. L. O'Bryen, Bengal S. C., Wing Officer and Adjutant, 31st Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Lieutenant C. E. W. Macdonald, Bengal S. C., Squadron Officer, 6th (Prince of Wales') Bengal Cavalry, (p. a.) for 182 days, under rule I of the regulations of 1875.

Surgeon-Major B. Evers, M.D., (p. a.) for one year, under rule IX of the regulations of 1868, embarking on or after the 14th October, 1884.

No. 517.—Captain W. L. C. Gordon, R.A., Assistant Superintendent of Factories, Ordnance Department, Madras circle, is granted general leave in India (p. a.), with effect from the date he may be relieved, pending his retirement from the service.

No. 518.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Captain R. C. Hadow, Bengal S. C., (m. c.) for two months.

Lieutenant C. A. Roberts, Bengal S. C., (m. c.) for six months.

Lieutenant E. K. E. Spence, Bengal S. C., (p. a.) for 92 days.

JUDICIAL.

No. 519.—In accordance with the provisions of section 4, Act No. XIII of 1881 ("The Fort William Act, 1881"), the Governor General in Council hereby invests Captain T. E. Spencer, Garrison Quartermaster, Fort William, with power to try persons charged with any infringement of the rules made under section 3 of the said Act.

LONDON GAZETTE.

No. 520.—The following extracts are published for general information:—

"London Gazette," dated the 26th August, 1884, page 3872.

WAR OFFICE;
Pall Mall, 26th August, 1884.

MEMORANDA.

Indian Local Service.

Major-General Charles Dumbleton, Bengal Cavalry, has been removed to the Unemployed Supernumerary List. Dated 4th August, 1884.

INDIA OFFICE;
26th August, 1884.

The Queen has approved of the retirement from the service of the undermentioned officers of Her Majesty's Indian Military Forces:—

Lieutenant-Colonel and Brevet Colonel Henry Doveton Battye, of the Bengal Staff Corps. Dated 25th August, 1884.

Lieutenant-Colonel and Brevet Colonel Cecil David James Dodd, of the Bombay Staff Corps. Dated 15th June, 1884.

Lieutenant-Colonel Aylmer Vivian (now Aylmer McIver Campbell), of the Bengal Staff Corps. Dated 19th May, 1884.

BREVET.

The undermentioned officers are granted a step of honorary rank on retirement:—

To be Major-Generals.

Lieutenant-Colonel and Brevet Colonel Henry Doveton Battye, of the Bengal Staff Corps. Dated 25th August, 1884.

Lieutenant-Colonel and Brevet Colonel Cecil David James Dodd, of the Bombay Staff Corps. Dated 15th June, 1884.

To be Colonel.

Lieutenant-Colonel Aylmer Vivian (now Aylmer McIver Campbell), of the Bengal Staff Corps. Dated 19th May, 1884.

PROMOTIONS.

No. 521.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major Adolphus Vallings,—20th September, 1884.

To be Colonel.

Lieutenant-Colonel William Stafford Bailey, Madras S. C.,—19th September, 1884.

No. 522.—NATIVE ARMY—

11th Bengal Lancers.

Jemadar Mahomed Akram Khan to be Ressaidar;

Kote-Duffadar Ameer Mahomed Khan to be Jemadar,—

with effect from 16th July, 1884, *vice* Ressaidar Bahawuldeen Khan, transferred to the Central India Horse.

17th Native Infantry.

In G. G. O. No. 418 of 1884, for "Rutton Misser" read "Ram Rutton Misser."

25th Native Infantry.

Subadar Bheekum Sing to be Subadar-Major; Jemadar Jowalla Sing to be Subadar; Havildar Jameet Sing to be Jemadar,—with effect from 28th June, 1884, *vice* Subadar-Major Dhurm Sing, "Bahadur," deceased.

Jemadar Lehna Sing to be Subadar, *vice* Subadar Soobah Sing, invalided;

Jemadar Mahomed Buksh to be Subadar, *vice* Subadar Deena, invalided;

Jemadar Atoe to be Subadar, *vice* Subadar Bhoop Sing, invalided;

Havildar Bussaoo to be Jemadar, *vice* Jemadar Dulmeer Buksh, invalided;

Havildar Ghulam Mahomed to be Jemadar, *vice* Jemadar Mahomed Buksh, promoted;

Havildar Boota Sing to be Jemadar, *vice* Jemadar Atoe, promoted;

Havildar Bahadur Sing to be Jemadar, *vice* Jemadar Lehna Sing, promoted;

Havildar Baja to be Jemadar, *vice* Jemadar Mokhum, invalided,—

with effect from 1st May, 1884.

SPECIAL.

No. 523.—Captain W. C. F. Field, Assistant Military Accountant, to be Field Paymaster, Zhob Valley Expeditionary Force, with effect from the date on which he took up the duties of the appointment.

VOLUNTEER CORPS.

No. 524.—The Governor General in Council has been pleased to approve of the amalgamation of the Cachar Mounted Rifles and the Sylhet Volunteer Rifle Corps into one corps to be designated the "Cachar and Sylhet Mounted Rifles."

APPOINTMENTS.

No. 525.—*Cachar and Sylhet Mounted Rifles*—

Major J. Knox-Wight, Cachar Mounted Rifles to be Commandant.

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

No. 526.—The following Warrant Officers are promoted to the rank of Assistant Barrack Master:—

With effect from 7th May, 1883.

Sub-Conductor W. Greaves.
Sub-Conductor C. Ingram.

With effect from 12th June, 1884.

Sub-Conductor S. J. Coleman.
Sub-Conductor J. Russell.
Sub-Conductor T. Johnston.
Sub-Conductor E. Dubery.
Sub-Conductor W. Southcombe.
Sub-Conductor J Wilson.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 22nd September, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that a report of the death of the undermentioned Commissioned Officer, on the date specified, was received in the Military Department between the 16th and the 22nd September, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
5th Punjab Infantry ...	Lieutenant-Colonel J. Finnis ...	12th Sept., 1884	Mussoorie ...	...	...

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 22nd September 1884.

No. 226.—Lieutenant-Colonel J. Grierson, Examiner, 4th Class, 1st Grade, is, on return from furlough, appointed to officiate as Examiner, Public Works Accounts, Bombay, with rank of Examiner, 3rd Class, during the absence of Lieutenant-Colonel Lambert, on privilege leave, or until further orders.

No. 227.—The services of Mr. R. N. Hodges, Executive Engineer, 3rd Grade, are, on return from furlough, placed at the disposal of the Director General of Railways.

The 23rd September 1884.

No. 228.—With reference to Public Works Department Notification No. 148, dated 1st July 1884, the services of Mr. P. Rainier, State Railway Superior Revenue Establishment, Traffic Department, are, from the date he is relieved of his duties on the Nagpur and Chhattisgarh State Railway, replaced at the disposal of the Director General of Railways.

The 24th September 1884.

No. 229.—Mr. A. Sprenger, Executive Engineer, 2nd Grade, Assam, is transferred temporarily to the State Railways, and his services placed at the disposal of the Director General of Railways.

No. 230.—Mr. B. W. Cantopher, Executive Engineer, 4th Grade, Bengal, is temporarily transferred to State Railways, and his services placed at the disposal of the Director General of Railways.

The 25th September 1884.

No. 231.—Mr. C. Swappe, Executive Engineer, 2nd Grade, State Railways, is transferred from the Establishment under the Agent to the Governor General for Central India to that under the Director General of Railways.

No. 232.—Mr. J. A. A. Wallace, Assistant Engineer, 2nd Grade, State Railways, is transferred from the Establishment under the Chief Commissioner of Assam to that under the Director General of Railways.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

N° 40.] SIMLA, SATURDAY, OCTOBER 4, 1884.

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

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SUPPLEMENT No. 40.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 2nd October, 1884.

No 17.—The following Statute is published for general information:—

47 & 48 VICT., CHAPTER 38.

An Act to provide for the regulation of Her Majesty's Indian Marine Service. [28th July, 1884.]

WHEREAS a marine establishment, called Her Majesty's Indian Marine Service, is employed under the direction of the Governor General of India in Council for the transport of troops, the guarding of convict settlements, the suppression of piracy, the survey of coasts and harbours, the visiting of lighthouses, the relief of distressed or wrecked vessels, and other local objects, and is maintained out of the revenues of India:

And whereas the members of Her Majesty's Indian Marine Service are not subject either to the Naval Discipline Act, 1866, or to the Merchant Shipping Act, 1854, and Acts amending it, or to any corresponding law made, enacted, or in force under the authority of the Government of India; and it is expedient that the Governor General of India in Council should have power to make laws for the purpose of maintaining discipline in that service:

29 & 30 Vict., c. 109.
17 & 18 Vict., c. 104.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Indian Marine Service Act, 1884.

Short title.

2. The Governor General of India in Council shall have power, subject to the provisions contained in the Indian Councils Act, 1861, as amended by subsequent Acts, at meetings for the purpose of making laws and regulations, to make laws for all persons employed or serving in or belonging to Her Majesty's Indian Marine Service: Provided as follows,

Power for Governor General in Council to make laws for Indian Marine Service.

(*a*) a law made under this section shall not apply to any offence, unless the vessel to which the offender belongs is at the time of the commission of the offence within the limits of Indian waters as defined by this Act:

(*b*) the punishments imposed by any such law for offences shall be similar in character to and shall not be in excess of the punishments which may at the time of making

the law be imposed for similar offences under the Acts relating to Her Majesty's Navy, except that in the case of persons other than Europeans or Americans imprisonment for any term not exceeding fourteen years, or transportation for life or any less term, may be substituted for penal servitude.

Definition of Indian waters.

3. For the purposes of this Act the expression "Indian waters" includes the high seas between the Cape of Good Hope on the west and the Straits of Magellan on the east, and all territorial waters between those limits.

Effect and judicial notice of laws made under Act.

4. A law made under this Act shall, until the Governor General makes known that he has received a notification of the disallowance thereof by Her Majesty, or until the repeal thereof, be, subject to the provisions of this Act, of the same force and effect as an Act of Parliament, and shall be taken notice of by all courts of justice in the same manner as if it were a Public Act of Parliament.

Restriction on power to make law imposing sentence of death.

5. Nothing in this Act shall authorise the Governor General in Council, without the previous approval of the Secretary of State for India in Council, to make any law whereby power is given to any court other than the High Courts established under the Act of the session held in the twenty-fourth and twenty-fifth years of Her Majesty, chapter one hundred and four, "for establishing High Courts of Judicature in India," to sentence to the punishment of death any of Her Majesty's natural-born subjects born in Europe, or any child of any such subject.

Placing of vessels, officers, and men of Indian Marine Service under Naval Discipline Acts in time of war.

6. In case a state of war exists between Her Majesty and any foreign power, it shall be lawful for Her Majesty by Proclamation or Order in Council to direct that any vessel belonging to Her Majesty's Indian Marine Service and the men and officers from time to time serving thereon shall be under the command of the senior naval officer of the station where for the time being such ship may be. And while any such vessel is under such command such vessel shall be deemed to all intents a vessel of war of the Royal Navy, and the men and officers from time to time serving in such vessel shall be under such Naval Discipline Act or Acts as may be in force for the time being and subject to such regulations as may be issued by the Lords Commissioners of the Admiralty, with the concurrence of the Secretary of State for India in Council.

D. FITZPATRICK,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATION.—MEDICAL.

Simla, the 30th September 1884.

No. 415.—Brigade Surgeon J. H. Loch, M.D., who was appointed in Home Department Notification No. 424, dated the 27th November 1883, to officiate as Deputy Surgeon-General, Central Provinces, is confirmed in that appointment, with effect from the 1st January 1884.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—SURVEYS.

Simla, the 2nd October 1884.

No. 573—52-118.—Lieutenant S. G. Burrard, R.E., is appointed an Assistant Superintendent of the 2nd Grade, Survey of India Department, with effect from the forenoon of the 2nd September 1884.

E. C. BUCK,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 2nd October, 1884.

No. 1878 *G.*—Major D. Adamson, Squadron Commander, 4th Bengal Cavalry, officiated as Assistant Cantonment Magistrate, Morar, in addition to his own duties, during the absence on privilege leave of Colonel M. M. Procter, from the 17th July to the 26th August, 1884, inclusive.

INTERNAL.

The 30th September, 1884.

No. 3858 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Datla Tirapati Raz, Deputy Tahsildar and Sub-Magistrate of the Gunupur Taluk in the Vizagapatam District, the title of "Rai Bahadur," as a personal distinction.

EXTERNAL.

No. 2704 *E.*—Mr. J. R. FitzGerald, Political Agent of the 3rd Class and First Assistant to the Governor-General's Agent in Biluchistan, is appointed to hold charge of the current duties of the Office of the Agent to the Governor-General in Biluchistan, in addition to his own duties, with effect from the date of assumption [illegible], during the absence of Lieutenant-Colonel [illegible] K.C.S.I., with the Zhob Expeditionary Force, or until further orders.

The 2nd October, 1884.

No. 2715 *E.*—Rai Bahadur Hittu Ram, C.I.E., Native Assistant to the Governor-General's Agent in Biluchistan at Sibi, has been placed on special duty in connection with the Afghan Boundary Commission, with effect from the 25th August, 1884.

Diwan Ganpat Rai, Native Assistant to the Governor-General's Agent at Quetta, is appointed Native Assistant to the Governor-General's Agent at Sibi, sub. *pro tem.*, from 25th August, 1884, during the absence on special duty of Rai Bahadur Hittu Ram, or until further orders.

C. GRANT,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 3rd October, 1884.

APPOINTMENTS.

No. 527.—The following appointment is added to the list published in G. G. O. No. 432 of 1884, class III, after "Assistant Secretary to the Government of India in the Military Department":—

Military Secretary to the Resident at Hyderabad.

No. 528.—MEDICAL DEPARTMENT—

Deputy Surgeon-General W. H. Corbett, M.D., Army Medical Department, is brought on the Administrative Medical Staff of the Army, *vice* Deputy Surgeon-General H. B. Hassard, C.B., transferred to the Home Establishment. Dated 7th September, 1884.

No. 529.—The following extract paragraphs 1 and 2 of a letter from the Secretary of State for India are published for general information :—

INDIA OFFICE;
London, 4th September, 1884.

Military, No. 227.

To His Excellency The Most Honourable The Governor General of India in Council.

MY LORD MARQUIS,—

Para. 1. The undermentioned probationers for the Indian Medical Service having completed a course of instruction at the Army Medical School, and being reported qualified, have been appointed Surgeons on the Bengal Establishment, their commissions as such bearing date the 1st April, 1884, the day of their joining at the Army Medical School :—

John Henry Tull Walsh.
Harold Hendley.

2. They will be permitted to count as service for full pay pension the period of their residence at the Army Medical School from the 1st April, 1884, to the 4th August, 1884, inclusive.

I have, &c.,
(Sd.) KIMBERLEY.

No. 530.—COMMISSARIAT DEPARTMENT—

Lieutenant H. James, Sub-Assistant Commissary General, 2nd class, on probation, is confirmed in his appointment, with effect from the 4th September, 1883.

No. 531.—VOLUNTEER CORPS—

Calcutta Volunteer Rifle Corps.

Color-Sergeant William Young O'Sullivan to be Lieutenant, *vice* Lieutenant McCrea, resigned.

FURLOUGH AND LEAVE.

No. 532.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel and Brevet Colonel A. Fitz-Hugh, C.B., Bengal S. C., Commandant, 5th Goorkha Regiment, (p. a.) for 330 days, under rule IX of the regulations of 1868, embarking on or after the 25th October, 1884.

No. 533.—Brigade-Surgeon R. Rouse is granted furlough in and out of India (p. a.) for two years, under rule IX of the regulations of 1868.

LONDON GAZETTE.

No. 534.—The following extracts are published for general information :—

"*London Gazette*," *dated the 2nd September, 1884, pages 3957 and 3958.*

WAR OFFICE;
Pall Mall, 2nd September, 1884.

MEMORANDA.

The undermentioned Deputy Commissaries and Honorary Captains of the Bengal Establishment to have the honorary rank of Major :—

James Brown. Dated 20th May, 1884.
Richard Monks. Dated 12th June, 1884.

The honorary rank of Lieutenant conferred on Deputy Assistant Commissary P. J. Ryan is dated 10th January, 1883, and not 11th January, 1883, as stated in the Gazette of 13th July, 1883.

INDIA OFFICE;
2nd September, 1884.

The Queen has approved of the following Admissions to the Staff Corps made by the Government in India :—

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant Edward Frederick Henry McSwiney, from the South Lancashire Regiment. Dated 6th July, 1882, but to rank from the 4th October, 1879.

Lieutenant Lestock Hamilton Reid, from the Manchester Regiment. Dated 28th February, 1883, but to rank from 4th December, 1879.

Lieutenant Thomas Hugh Smith, from the North Lancashire Regiment. Dated 22nd August, 1882, but to rank from 2nd February, 1881.

Lieutenant James Andrew Brown, from the Seaforth Highlanders. Dated 21st February, 1883, but to rank from 1st July, 1881.

Lieutenant Arthur Robertson Browning, from the Worcestershire Regiment. Dated 16th February, 1883, but to rank from 1st July, 1881.

Lieutenant Edward William Codrington, from the Manchester Regiment. Dated 23rd November, 1882, but to rank from 1st July, 1881.

Lieutenant Donatus James Thomond O'Brien, from the Manchester Regiment. Dated 20th November, 1882, but to rank from 1st July, 1881.

Lieutenant Percy Eglinton Dun, from the South Lancashire Regiment. Dated 26th March, 1882, but to rank from the 1st July, 1881.

Lieutenant James Outram Spens Fayrer, from the Suffolk Regiment. Dated 2nd August, 1882, but to rank from 1st July, 1881.

Lieutenant Francis Outram Anderson, from the Cheshire Regiment. Dated 8th September, 1882, but to rank from 1st July, 1881.

PROMOTIONS.

No. 535.—The names of the following officers of the Indian Staff Corps are moved up on the Indian Gradation List, under the provisions of the Royal Warrant of the 10th November, 1881:—

Placed on the list of Lieutenant-Generals.

Major-General T. Wright, C.B., Bengal;

Placed on the list of Major-Generals.

Colonel W. C. Parr, Bombay;

Placed on the list of Lieutenant-Colonels.

Major F. L. Haleman, Madras,—

in consequence of the transfer to the unemployed supernumerary list of the undermentioned officers on the 10th June, 1884:—

Lieutenant-General Sir J Forbes, K.C.B., Bombay Cavalry.

Major-General H. A. Browne, Bengal Infantry.

No. 536.—NATIVE ARMY—

9th Native Infantry.

Jemadar Byragee Singh to be Subadar;
Havildar Moteeram Jat to be Jemadar,—

with effect from 13th August, 1884, *vice* Subadar Gopal Pandey, deceased.

No. 537.—PUNJAB FRONTIER FORCE—

No. 2 Mountain Battery.

Jemadar Kishen Singh to be Subadar;
Havildar Kutb Din to be Jemadar,—

with effect from 25th June, 1884, *vice* Subadar Sheikh Himmutt, invalided.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 46.—The following sub. *pro tem.* promotions are made in the Marine Survey of India, with effect from the 10th July, 1884:—

Lieutenant E. C. H. Helby, R.N., Assistant Surveyor, 2nd class, to be Assistant Surveyor, 1st class.

First grade officer W. H. W. Searle, I.M., Assistant Surveyor, 3rd class, to be Assistant Surveyor, 2nd class.

First grade officer E. J. Beaumont, I.M., Assistant Surveyor, 4th class, to be Assistant Surveyor, 3rd class.

RESIGNATIONS.

No. 47.—Mr. Clement Fuller, Assistant Engineer, Indian Marine, is permitted to resign the service from the 31st October, 1884.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 29th September 1884.

No. 233.—Captain W. W. B. Whiteford, R.E., Executive Engineer, 3rd Grade, is appointed to act as Deputy Consulting Engineer for Railways, Bombay, from 15th September 1884, during the absence, on special leave, of Captain H. O. Selby, R.E., or until further orders.

The 30th September 1884.

No. 234.—Mr. M. P. Coode, Executive Engineer, 4th Grade, *temporary rank*, Hyderabad, reverted to his substantive rank of Assistant Engineer, 1st Grade, from the 16th August 1884.

The 2nd October 1884.

No. 236.—Mr. R. A. English, Officiating Examiner, Public Works Accounts, Central India, is, on the return of Mr. Hutchinson from privilege leave, transferred to the Office of the Auditor, Oudh and Rohilkund Railway.

The 3rd October 1884.

No. 237.—Mr. M. R. Lackersteen, Executive Engineer, 3rd Grade, British Burma, is transferred temporarily to Madras for employment on Railway extension surveys.

No. 238.—Mr. F. D. Fowler, Assistant Engineer, 1st Grade, sub. *pro tem.*, State Railways, is transferred from the establishment under the Agent to the Governor General for Central India to that under the Director General of Railways.

TELEGRAPH.

The 30th September 1884.

No. 235.—The Right Hon'ble the Secretary of State for India has been pleased to appoint the undermentioned passed students of the Royal Indian Engineering College to the Telegraph Department in India as Assistant Superintendents, 4th Grade:—

Mr. Oldbury Burne.
Mr. Frank Mercer.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 41.] SIMLA, SATURDAY, OCTOBER 11, 1884.

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

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SUPPLEMENT No. 41.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—MEDICAL.

Simla, the 7th October 1884.

No. 421.—The services of the following Medical Officers are replaced at the disposal of the Military Department, with effect from the dates on which they are relieved of their temporary charges in the North-Western Provinces and Oudh:—

Surgeon F. D. C. Hawkins.
" H. C. Hudson.
" J. C. McLaren, M.D.

JUDICIAL.

The 19th September 1884.

No. 1230A.—In exercise of the power conferred by Section 2 of the Burma Courts Act, 1880, the Governor General in Council has been pleased to appoint Mr. R. S. T. Macknwen, Barrister-at-Law, to be an Additional Recorder and to sit as such in the Court of the Recorder of Rangoon from the 22nd to the 25th September 1884, both days inclusive.

POLICE.

The 8th October 1884.

No. 328.—In exercise of the power conferred by Section 4 of Act V of 1861, the Governor General in Council is pleased to appoint Mr. T. D. Jameson to be Assistant Inspector General of Police in British Burma.

PATENTS.

The 30th September 1884.

No. 388.—Specifications of the under-mentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

No. 11 of 1884.—Chandra Sekhor Kali, L.M.S., of Dhamrai, in the District of Dacca, a

Medical Practitioner, at present residing in the Town of Pubna, for filtering water which is called by the name of Dr. C. S. Kali's improved rapid permanent working filter of double filtering media.

No. 29 of 1884.—Charles Maynard Walker, of No. 155, Cannon Street, in the City of London, England, for a new or improved method of, and apparatus for, utilising the rise and fall of the tide or other rising and falling bodies of water, for raising water or other liquids from one level to another.

No. 77 of 1884.—Eugene Charles Schrottky, Technical and Agricultural Chemist, at present of Muzaffarpur, Tirhoot, for the improvement of indigo manufacture.

No. 103 of 1884.—Charles Francis Brush, Electrical Engineer, of Cleveland, United States of America, for improvements in the process or method of, and in apparatus for, forming or preparing plates or elements for use in secondary batteries.

No. 127 of 1884.—Alfred Parry, Engineer, residing in Calcutta, and of Alexander Douglas Larymore, Superintendent, Jail Department, Bengal, residing in Calcutta, and William Flood Murray, Surgeon-Major, Indian Medical Department, for a cheap and simple self-acting punkah-pulling machine.

No. 136 of 1884.—Charles Edouard Chamberland, of Paris, France, for an improved filter.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—INTERNAL.

Simla, the 3rd October, 1884.

No. 3713I.—The Governor-General in Council has learnt with great satisfaction that His Highness the Maharaja of Bhurtpore has abolished all transit duties, with the exception of the duty on liquor, opium and intoxicating drugs, throughout the Bhurtpore territory.

C. GRANT,
Secretary to the Government of India.

GENERAL.

The 10th October, 1884.

No. 1939 G.—Mr. C. Grant, C.S.I., C.S., Secretary to the Government of India in the Foreign Department, is granted furlough to Europe for one year, under Section 50, Chapter V, of the Civil Leave Code, with effect from the 31st October, 1884, or from the subsequent date on which he may avail himself of it.

H. M. DURAND,
Under-Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 6th October 1884.

No. 3819.

ORDER—By the Government of India, Department of Finance and Commerce.

Read the following :—

STAT. & COM. No. 117. INDIA OFFICE; London, 4th September 1884.

To His Excellency the Most Honourable the Governor General of India in Council.

MY LORD MARQUIS,—

In continuation of my despatch of the 26th April 1883, I forward herewith, for the information of your Government, a copy of notes which have been exchanged between Earl Granville and the Siamese Minister whereby the 1st January 1885 is fixed as the date upon which, subject to certain reserves, the Agreement between Great Britain and Siam for regulating the traffic in spirituous liquors is to come into operation.

I have, &c.,
(Sd.) KIMBERLEY.

Dated 1st August 1884.

From—EARL GRANVILLE,
To—PRINCE NARÈS VARARIDDHI.

By Article VI of the Agreement between the Governments of Great Britain and Siam for regulating the traffic in spirituous liquors of the 6th April 1883, it is stipulated that, "Subject to the provisions of Article V, the present Agreement shall come into operation on a date to be fixed by mutual consent between the two Governments."

I have now the honour to propose, on behalf of Her Majesty's Government, that the 1st January 1885 be fixed as the date in question; and I should be glad to receive a note from you to the effect that this proposal is accepted by the Siamese Government.

I beg leave, at the same time, to state that the fact of a date being thus fixed will in no wise prejudice the right of British subjects, under Article V of the aforesaid Convention, to claim, now or hereafter, the treatment accorded to subjects of the most favoured nation in regard to the spirit trade in Siam.

Dated 2nd August 1884.

From—PRINCE NARÈS VARARIDDHI,
To—EARL GRANVILLE.

I have the honour to acknowledge the letter of Your Lordship dated yesterday, in which the 1st January 1885 is proposed by Your Lordship as the date on which the Agreement between the Governments of Siam and Great Britain for regulating the traffic in spirituous liquors shall come into operation. On behalf of the Siamese Government, I beg to accept this date, and to assure Your Lordship that the Siamese Government is fully alive to the fact to which Your Lordship makes reference, that the fixing of the date cannot in any way prejudice the right of British subjects secured to them under the Vth Article of the aforesaid Agreement.

ORDER.—Ordered, that the foregoing be published in the *Gazette of India* for general information, in continuation of the Notification No. 1243, dated 1st June 1883.

The 10th October 1884.

No. 3922.—Mr. W. Donald, having returned from privilege leave, resumed charge of his duties as Deputy Accountant General, Madras, from Mr. H. S. Groves before noon on the 27th September 1884.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 10th October, 1884.

APPOINTMENTS.

No. 538.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India :—

Lieutenant Frederick St. George Tucker, R.A., Officiating Wing Officer, 29th Native Infantry,—26th August, 1883.

Lieutenant Lindsay Sherwood Newmarch, Royal Warwickshire Regiment, Wing Officer, 30th Native Infantry,—4th September, 1883.

No. 539.—ADJUTANT GENERAL'S DEPARTMENT—

Major J. A. Barlow, Manchester Regiment, to be a Deputy Assistant Adjutant General for Musketry, *vice* Captain C. J. Whitaker, who has vacated the appointment. Dated 30th September, 1884.

No. 540.—ORDNANCE DEPARTMENT—

Major A. F. Fletcher, R.A., Assistant to the Inspector General of Ordnance, Bengal Circle, is seconded on the list of Commissaries of Ordnance, 2nd class.

Captain G. T. Kelaart, R.A., Supernumerary Commissary of Ordnance, 2nd class, is brought on the permanent establishment, *vice* Major H. M. Burgess, R.A., whose tenure of appointment has expired.

The undermentioned officers, supernumeraries in the grade of Commissary of Ordnance, 3rd class, are brought on the permanent establishment, with effect from the 16th September, 1884 :—

Lieutenant C. P. Triscott, R.A.
Lieutenant E. B. Anderson, R.A.
Lieutenant R. H. Mahon, R.A.

Captain J. S. Frith, R.A., Commissary of Ordnance, 4th class, to be Commissary of Ordnance, 3rd class, with effect from the 16th September, 1884.

No. 541.—PUNJAB FRONTIER FORCE—

5th Goorkha Regiment.

Lieutenant J. O. S. Fayrer, Officiating Wing Officer, 40th Native Infantry, to be Wing Officer.

FURLOUGH AND LEAVE.

No. 542.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Lieutenant-Colonel and Brevet Colonel W. R. M. Holroyd, Bengal S. C., (p. a.) for 183 days.

Lieutenant-Colonel and Brevet Colonel M. M. Prendergast, Bengal S. C., (p. a.) for thirty days.

Lieutenant-Colonel E. C. Codrington, Bengal S. C., (m. c.) for six months.

Major W. S. S. Bisset, R.E., (p. a.) for forty-six days.

Captain N. Arnott, R.E., (p. a.) for fourteen days.

Captain H. A. Yorke, R.E., (p. a.) for three months.

Captain F. C. Maisey, Bengal S. C., (u. p. a.) without pay for two months.

Captain W. H. White, R.E., (p. a.) for thirty days.

Surgeon G. A. Emerson, (u. p. a.) without pay for three months, under rule VIII of the regulations of 1875.

Sub-Conductor C. Lightening, Commissariat Department, (m. c.) for six months.

Second Class Assistant Apothecary P. W. O'Gorman, (m. c.) for 183 days.

No. 543.—G. G. O. No. 149 of 1883, granting furlough in and out of India to Major J. E. P. Mosley, Bengal S. C., is cancelled.

LONDON GAZETTE.

No. 544.—The following extract is published for general information :—

London Gazette, dated the 9th September, 1884, page 4041.

INDIA OFFICE;
9th September, 1884.

The Queen has approved of the following Promotions among the officers of the Staff Corps and Indian Military Services, made by the Governments in India :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Montagu Clementi. Dated 11th June, 1884.

Major Edward Robert Conolly. Dated 12th June, 1884.

Major Clarence Henry Palmer. Dated 12th June, 1884.

Major and Brevet Lieutenant-Colonel Horace Moule Evans. Dated 20th June, 1884.

Major Richard Melville Clifford. Dated 25th June, 1884.

Major George Reynell Gibbs. Dated 25th June, 1884.

Major and Brevet Lieutenant-Colonel Charles Lorrain Woodruffe. Dated 28th June, 1884.

To be Captain.

Lieutenant Henry Martindale Temple. Dated 8th June, 1884.

BENGAL CAVALRY.

To be Lieutenant-Colonels.

Major and Brevet Lieutenant-Colonel William Hay Macnaghten, C.B. Dated 10th June, 1884.

Major and Brevet Lieutenant-Colonel Harvey Young Murray. Dated 20th June, 1884.

PENSIONS.

No. 545.—G. G. O. No. 479 of 1883, notifying the transfer of Sergeant-Major J. Shannahan to the Pension establishment is cancelled.

PROMOTIONS.

No. 546.—The following promotions are made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Charles Simeon Noble,—4th October, 1884.

Major Rowland Ernle Kyrle Money,—9th October, 1884.

No. 547.—NATIVE ARMY—

4th Goorkha Regiment.

Jemadar Singbeer Sahie to be Subadar;
Havildar Ramoo Sahie to be Jemadar,—
with effect from 5th September, 1884, *vice* Subadar Boodibul Rana, deceased.

RETIREMENTS.

No. 548.—Deputy Surgeon-General James Alexander Caldwell Hutchinson, M.D., has been permitted to retire, with effect from the 28th September, 1884, subject to Her Majesty's approval.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 6th October 1884.

No. 239.—The services of Lieutenant-Colonel H. J. Nuthall, s.c., Executive Engineer, 1st Grade, State Railways, are placed at the disposal of the Resident at Hyderabad for employment on the Akola-Hingoli Railway Survey.

The 7th October 1884.

No. 240.—The following Assistant Engineers, 2nd Grade, appointed by the Secretary of State for India in Council from the Royal Indian Engineering College, who have gone through their practical training in England, are posted as follows :—

To Bengal.

Mr. Henry Etienne Pellereau.
Mr. James Aldridge Devenish.

To North-Western Provinces and Oudh.

Mr. Samuel Page Herschel Dyson.
Mr. Henry Matthew John Bacon.

To Punjab.

Mr. Thomas Robert John Ward.
Mr. Cyril Edward Arengo Jones.
Mr. Henry Robert Hackman.
Mr. Adolphe Ernest Orr.

To State Railway.

Honorable Edward Herbert Scott Napier.

No. 241.—With reference to Public Works Department Notification No. 240, dated 7th October, the services of the Honorable E. H. S. Napier, Assistant Engineer, 2nd Grade, are placed at the disposal of the Director General of Railways.

No. 242.—The services of Mr. H. W. Bennett, Assistant Engineer, 2nd Grade, State Railways, and Officiating Assistant Manager, Rajputana-Malwa State Railway, are placed temporarily at the disposal of the Chief Commissioner, Assam, for employment as Manager and Engineer-in-Chief of the Kokilamukh State Railway.

While so employed, Mr. Bennett will hold temporary rank in Class III of the State Railway Superior Revenue Establishment.

The 9th October 1884.

No. 243.—Lieutenant-Colonel K. A. Jopp, R.E., Executive Engineer, 1st Grade, is attached to the Office of the Consulting Engineer for Railways, Madras, from the date of return to duty of Major W. H. Coaker, R.E., Deputy Consulting Engineer for Railways, to the date of his availing himself of furlough.

No. 244.—The following promotions and reversions are made in the Railway Branch of the Public Works Department :—

Names.	From	To	Date.	Nature of promotion.
Mr. B. W. Blood ...	Ex. Engr., 2nd Grade ...	Ex. Engr., 1st Grade ...	19th July 1884	Sub. *pro tem.*
Mr. C. Thomson ...	„ „ 3rd „ ...	„ „ 2nd „ ...	„	„
Captain W. Pitt, R.E. ...	„ „ 4th „ ...	„ „ 3rd „ ...	6th July 1884	„
Mr. D. Morris ...	„ „ 4th „ ...	„ „ 3rd „ ...	19th July 1884	„
Baboo Sheo Dyal ...	„ „ 4th „ *tempy.* ...	„ „ 4th „ ...	6th July 1884	„
Mr. M. J. Chabrel ...	Asst. „ 1st „ ...	„ „ 4th „ ...	2nd March 1881	Temporary.
Mr. M. J. Chabrel ...	Ex. „ 4th „ *tempy.* ...	„ „ 4th „ ...	19th July 1884	Sub. *pro tem.*
Mr. R. W. Egerton ...	Asst. „ 2nd „ ...	Asst. „ 1st „ ...	6th July 1884	„
Captain R. C. Maxwell, R.E. ...	„ „ 2nd „ ...	„ „ 1st „ ...	19th July 1884	„
Mr. F. Wolley-Dod ...	„ „ 1st „ ...	Ex. „ 4th „ ...	27th Dec. 1883	Temporary.
Mr. R. W. Roberts ...	„ „ 1st „ ...	„ „ 4th „ ...	27th May 1884	„
Mr. W. Michell ...	„ „ 1st „ ...	„ „ 4th „ ...	6th July 1884	„
Lieutenant G. K. Scott-Moncrieff, R.E.	„ „ 1st „ ...	„ „ 4th „ ...	18th July 1884	„
			19th July 1884	„
Mr. D. Morris ...	Ex. „ 3rd „ sub. *pro tem.*	„ „ 4th „ ...	1st Sept. 1884	
Mr. M. J. Chabrel ...	„ „ 4th „ „	„ „ 4th „ *tempy.*	„	
Lieutenant G. K. Scott-Moncrieff, R.E.	„ „ 4th „ *tempy.*	Asst. „ 1st „ ...	„	
Mr. R. W. Egerton ...	Asst. „ 1st „ sub. *pro tem.*	„ „ 2nd „ ...	„	

This cancels that portion of the Public Works Department Notification No. 178, dated 1st August 1884, which relates to the temporary promotion and reversion of Mr. M. J. Chabrel, Assistant Engineer, 1st Grade.

No. 245.—Mr. R. G. Kennedy, Executive Engineer, 3rd Grade, Punjab, on return from furlough, is transferred temporarily to Beluchistan for the investigation of irrigation works in the Pishin Valley.

The 10th October 1884.

No. 246.—Mr. F. L. O'Callaghan, C.I.E., Superintending Engineer, 2nd Class, is, on return from furlough, appointed Engineer-in-Chief of the Sind-Sagar Railway Surveys.

Pending Mr. O'Callaghan's return, Mr. F. R. Upcott, Executive Engineer, 2nd Grade, will hold charge of the Surveys.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

Nº 42.] SIMLA, SATURDAY, OCTOBER 18, 1884.

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

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The Straits Settlements Emigration Act Repeal Bill, 1884.
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Report on the Panjáb Courts Bill, 1884.

SUPPLEMENT No. 42.

PART I.

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

MILITARY SECRETARY'S OFFICE.

NOTIFICATIONS.

Simla, the 16th October 1884.

His Excellency the Viceroy and Governor General will leave Simla on Monday, the 10th November 1884.

His Excellency will visit Umritsur, Delhi, Agra, Muttra, Benares and Darjeeling, and will arrive in Calcutta on the 2nd December 1884.

His Excellency the Viceroy and Governor General will leave Simla on Monday, the 10th November, and will arrive in Calcutta *vid* Umritsur, Delhi, Agra, Muttra, Benares and Darjeeling on Tuesday, the 2nd December 1884.

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

* H. M. Durand, Esq., C.S.I., Under Secretary to Government, Foreign Department.
H. W. Primrose, Esq., Private Secretary to the Viceroy.
Captain Lord William Beresford, V.C., Military Secretary to the Viceroy.
The Rev. Father H. S. Kerr, Chaplain to the Viceroy.
Surgeon-Major J. Anderson, C.I.E., Surgeon to the Viceroy.
Lieutenant the Hon'ble C. Harbord,
Captain A. N. Rochfort,
Lieutenant F. S. St. Quintin,
Lieutenant C. R. Burn,
} Aides-de-Camp.

All communications connected with business of a mere routine nature should be sent, as usual, to the head-quarters of the several Departments.

By Command,

H. LEGGE, *Major*,
for *Military Secretary to the Viceroy.*

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 17th October, 1884.

No. 18.—CORRIGENDUM.—In section 165 of Act No. XIII of 1884 (*Panjáb Municipal*), as published in the *Gazette of India* of the *23rd and 30th August* and 6th September, 1884, *insert* the word "it" before the words "may determine."

D. FITZPATRICK,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATION.—PUBLIC.

Simla, the 16th October 1884.

No. 1733.—The Governor General in Council is pleased, under Section 17 of "The Indian Arms Act, 1878," to make the following Rule regarding the currency of licenses granted under Rule 13 of the rules made under that Act:—

Rule.

19B. In British Burma licenses under Rule 13 may be current for such period not exceeding five years as the Deputy Commissioner shall in each case decide, provided that no such license shall be current for less than one year.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—SURVEYS.

Simla, the 16th October 1884.

No. 605—41-11 *S.*—Brevet Lieutenant-Colonel H. R. Thuillier, R.E., Officiating Deputy Surveyor General in charge of Revenue Surveys, is confirmed in that appointment, with effect from the 1st instant, *vice* Mr. J. B. N. Hennessey, M.A., F.R.S., retired.

No. 606—41-11 *S.*—Brevet Colonel C. T. Haig, R.E., Deputy Superintendent, 1st Grade, Survey of India Department, is appointed to officiate as Deputy Surveyor General in charge of Trigonometrical Surveys, with effect from the same date.

REVENUE.

The 17th October 1884.

No. 713—164-2 *R.*—In exercise of the power conferred by Section V of Act XIV of 1874 (The Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend Bombay Act V, of 1879 (The Bombay Land Revenue Code), with the exception of Section 104, to the taluka of Jacobabad in the Upper Sind Frontier District in the Province of Sind.

E. C. BUCK,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—INTERNAL.

Simla, the 14th October, 1884.

No. 3822 *I.*—In exercise of the powers conferred by Section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to appoint the Officer for the time being holding the office of Civil and Sessions Judge of the Civil and Military Station of Bangalore, being a European British subject, to be a Justice of the Peace within the State of Mysore.

The 16th October, 1884.

No. 3851 *I.*—With reference to Foreign Department Notification, No. 47G.P., dated the 25th February, 1880, His Excellency the Viceroy and Governor-General is pleased to declare that the title of "Maharaja Bahadur," which was therein conferred as a personal distinction upon Raja Nripendra Narain of Cooch Behar, shall henceforth be regarded as hereditary.

The 17th October, 1884.

No 3872 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Ganesh Govind, Engineer to the Gondal State in Kathiawar, the title of "Rao Bahadur," as a personal distinction.

EXTERNAL.

The 16th October, 1884.

No. 2772 *E.*—Under the provisions of Section 2 of the Bengal Eastern Frontier Tracts Regulation I of 1873 (A Regulation for the peace and government of certain districts on the Eastern Frontier of Bengal), the Governor-General in Council is pleased, in modification of Foreign Department Notification, No. 2427P., dated the 3rd September, 1875, to revise as below the south-west portion of the Lakhimpur Inner Line:—

From the confluence of the Noa Dihing river with the Kherampani, along the right bank of the Dihing river to the confluence of the latter with the Tirap river, thence along the left bank of the Tirap river to the point where it is joined by the Likhrakha, thence up the crest of the Waddo range, thence along the valley in which the Namdang and Ledo rivers rise, proceeding north of Laktong village and south of Rangring, thence in a south-west direction along the valley of the Namdang to a point defined by a pillar placed one mile due south of the village of Jaihing as marked on the map, thence by a line north-west-by-west proceeding north of Sillim village to a point where the Makumpani emerges from the hills, thence west along the foot of the hills to where the Dirak comes out on to the plains, thence along the right bank of the Dirak to the Dihing river.

GENERAL.

No. 1936 *G.*—With reference to Foreign Department Notification, No. 1804 G., of the 17th July, 1883, Mr. Max Denso, Consul for the German Empire, at Karachi, resumed charge of his office on the 16th July, 1884.

No. 1933 *G.*—With reference to Foreign Department Notification, No. 2236 G., of the 13th September, 1883, Mr. Max Denso, Consul for the Netherlands, at Karachi, resumed charge of his office on the 16th July, 1884.

No. 1997 *G.*—Captain H. M. Temple, 2nd Assistant to the Governor-General's Agent at Baroda, is appointed Boundary Settlement Officer in Bundelcund, and *ex-officio* Assistant to the Political Agent in Bundelcund, with effect from the date of assuming charge.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 16th October 1884.

No. 3977.—Mr. H. F. Clogstoun, Accountant General and Commissioner of Paper Currency, Madras, having been granted privilege leave for one month, made over charge of his duties to Mr. W. Donald after noon on the 4th October 1884.

No. 3979.—Mr. C. E. Crawley, Assistant Accountant General, Bombay, having been granted furlough out of India, without medical certificate, for one year, made over charge of his duties and availed himself of subsidiary leave preparatory to furlough after noon on the 6th October 1884.

No. 4021.—*Abstract of the accounts of the Department of Issue of Paper Currency on the 30th September 1884, published as required by Section 27 of the Indian Paper Currency Act XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION. Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta ...	7,06,01,150	1,00,79,387	1,09,69,368	2,10,18,755
Allahabad ...	80,31,560	1,03,02,630	...	1,03,02,630
Lahore ...	78,29,210	1,11,00,625	...	1,11,00,625
Bombay ...	4,48,10,321	2,67,24,332	20,34,264	2,85,58,600
Kurrachee ...	29,04,015	35,16,130	33,800	35,79,930
Madras ...	1,20,62,600	40,23,259	6,40,000	46,63,259
Calicut ...	18,67,175	13,22,975	15,000	13,37,975
Rangoon ...	19,52,085	95,51,050	...	95,51,050
Total ...	15,00,57,415	7,73,50,979	1,27,92,436	9,01,43,415
Deduct Amount received at Bombay but not paid at Kurrachee ...				86,000
				9,00,57,415
Price paid for Government securities of the nominal value of Rs. 6,25,21,700 held under Section 19 of the Act ...				6,00,00,000
			GRAND TOTAL ...	15,00,57,415

The 17th October 1884.

No. 4040.—The services of Mr. G. J. Van-Someren, Assistant Comptroller General (Forests), are replaced at the disposal of the Home Department for employment in the Forest Department under the Government of India, with effect from the 6th January 1885.

No. 4046.—Mr. R. Logan, having been appointed to officiate as Deputy Accountant General, Bengal, received charge of his duties from Mr. T. H. Biggs before noon on the 18th September 1884.

Mr. T. H. Biggs, having been appointed to officiate as Assistant Accountant General, Bengal, assumed charge of his duties before noon on the 18th September 1884.

Major G. J. VanSomeren, Assistant Comptroller General in charge of the Forest Branch of the Office of the Comptroller and Auditor General, having been granted privilege leave for three months, made over charge of his duties to Mr. T. H. Biggs after noon on the 23rd September 1884.

Mr. T. H. Biggs, having been appointed to officiate as Assistant Comptroller General in charge of the Forest Branch of the Office of the Comptroller and Auditor General, made over charge of his office as Officiating Assistant Accountant General, Bengal, and received charge of the duties of Assistant Comptroller General after noon on the 23rd September 1884.

Mr. E. W. Kellner having been granted privilege leave for three weeks, and Mr. T. H. Biggs having been appointed to officiate for him, Mr. Kellner made over, and Mr. Biggs received, charge of the office of Deputy Comptroller General before noon on the 6th October 1884.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 17th October, 1884.

APPOINTMENTS.

No. 549.—COMMISSARIAT DEPARTMENT—

Lieutenant H. R. Marrett, Sub-Assistant Commissary General, 1st class, to be Superintendent, Hissar Cattle Farm, *vice* Colonel J. I. Robinson, who resigns the appointment. Dated 15th October, 1884.

No. 550.—PUNJAB FRONTIER FORCE—

1st Punjab Infantry.

Lieutenant I. Philipps, Manchester Regiment, a candidate for the Bengal Staff Corps, to officiate as Wing Officer, on probation, with effect from the 8th October, 1884.

FURLOUGH AND LEAVE.

No. 551.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel S. J. Browne, Bengal S. C., Commandant, 6th Punjab Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

Major W. F. Trotter, Bengal S. C., Assistant Commissioner, 1st grade, Officiating Deputy Commissioner, 3rd grade, and Political Agent, Manipur, Assam, (p. a.) for one year, under rule IX of the regulations of 1868.

Major P. Walker, Border Regiment, Deputy Assistant Adjutant General for Musketry, (m. c.) from date of embarkation to the 23rd March 1885, under Article 824, Army Regulations, India, Volume I, Part I.

Lieutenant G. H. B. Gordon, R.E., Assistant Engineer, 1st grade, Military Works Department, (u. p. a.) for 182 days, under rule XI of the regulations of 1868.

Second Grade Assistant Apothecary J. T. Weston, (m. c.) for one year, under rule VI of the regulations of 1875.

Second Grade Assistant Apothecary R. Nugent, (u. p. a.) for one year, under rule VIII of the regulations of 1875. (This cancels the furlough granted him in G. G. O. No. 376 of 1884.)

PROMOTIONS.

No. 552.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Major.

Captain Norton Charles Martelli,—11th October, 1884.

MEDICAL DEPARTMENT.

To be Brigade-Surgeon.

Surgeon-Major A. Hilson, M.D., *vice* Brigade-Surgeon A. M. Dallas, promoted. Dated 9th September, 1884.

No. 553.—ORDNANCE DEPARTMENT—

Sub-Conductor John Hill Casey, on probation, is confirmed in his present grade, with effect from the 4th March, 1884.

No. 554.—PUBLIC WORKS DEPARTMENT—

Sub-Conductor Patrick Burke (since pensioned) to be Conductor, with effect from the 1st September, 1880.

No. 555.—WARRANT OFFICERS—

Sergeant George Curtis to be Sub-Conductor, *vice* Sub-Conductor C. S. McRae, deceased, with effect from the 15th December, 1883.

Sergeant Clifford Manley, to be Sub-Conductor, *vice* Sub-Conductor G. Taunton, deceased, with effect from the 8th April, 1884.

This cancels G. G. O. No. 368 of 1884.

No. 556.—VOLUNTEER CORPS—

East Indian Railway Volunteer Rifle Corps.

Lieutenant Tomyns Reginald Browne to be Captain, *vice* C. H. Denham, promoted.

No. 557.—NATIVE ARMY—

6th Bengal Cavalry.

Ressaidar Mir Alam Khan to be Ressaldar; Jemadar Izzat Khan to be Ressaidar,—

with effect from 1st September, 1884, *vice* Ressaldar and Ressaldar-Major Rahimudin, "Sirdar Bahadur," invalided.

Duffadar Salik Singh to be Jemadar, with effect from 15th April, 1884, *vice* Jemadar Mir Arab Ali, deceased.

32nd Native Infantry.

Jemadar Heera Sing to be Subadar; Havildar Juggut Sing to be Jemadar,—

with effect from 14th August, 1884, *vice* Subadar Wuddawa Sing, deceased.

1st Goorkha Regiment.

Jemadar Tezoo Khunka to be Subadar; Pay-Havildar Hurkmonie Thappa to be Jemadar, *vice* Subadar Seetheer Goorung, invalided;

Jemadar Purheer Ghurtie to be Subadar; Color-Havildar Bheem Sing Rana to be Jemadar, *vice* Subadar Fabeotea Khawas, invalided,—

with effect from 1st July, 1884.

RETIREMENTS.

No. 558.—Surgeon-Major Horatio David Steel Compigne, M.D., is permitted to retire, with effect from the 13th November, 1884, subject to Her Majesty's approval.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 13th October, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned and Warrant Officers, on the dates specified, were received in the Military Department between the 25th September and the 13th October, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Public Works Department ...	Sergeant W. FitzGerald ...	4th September, 1884.	Saugor (Central Provinces.)	Will left ...	Widow administering the estate.
Commissariat Department ...	Sub-Conductor J. Sherry ...	20th September, 1884.	Umballa ...	...	...
King's Royal Rifle Corps ...	Lieutenant E. W. S. Pretyman ...	1st October, 1884	Ferozepore ...	...	...
Royal Engineers ...	Major R. Calrow ...	6th October, 1884	Landour ...	...	...

Statement of Deposits on account of Estates between the 16th September and the 13th October, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Edward Newbery (*a*) ...	Major ...	Bengal Staff Corps.	2nd June, 1884	Will left	1,192 12 6	...	...
Charles Hyder Forster (*b*)	Major ...	General List, Infantry.	10th Mar. 1884	...	17 12 5	...	...

(*a*) Next of kin ... Children Theodora Newbery; Guy Marquis Newbery.
(*b*) Vide Notification of 7th July, 1884.

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 15th October 1884.

No. 247.—Mr. J. W. Brassington, Executive Engineer, 3rd Grade, temporarily under the orders of the Punjab Government, is retransferred to Rajputana.

No. 248.—Mr. O. G. Smart, Assistant Engineer, 1st Grade, British Burma, is transferred to Assam.

No. 249.—Mr. J. W. Wilkinson, Examiner, Public Works Accounts, is transferred from the Office of the Accountant General, Public Works Department, to that of the Examiner of Accounts, Rajputana-Malwa Railway.

Mr. W. Ogden, Deputy Examiner of Accounts, is transferred from the Office of the Examiner of Accounts, Rajputana-Malwa Railway, to that of the Accountant General, Public Works Department.

No. 250.—The services of Mr. T. R. Wynne, Executive Engineer, 4th Grade, State Railways, are placed temporarily at the disposal of the Bengal and North-Western Railway Company, with effect from the 13th October 1884, the date on which his furlough expires.

No. 251.—Major C. E. Shepherd, s.c., Executive Engineer, 1st Grade, is appointed to officiate as Engineer-in-Chief of the Rewari-Ferozepore State Railway during the absence on privilege leave of Mr. R. T. Mallet, or until further orders.

The 17th October 1884.

No. 252.—Mr. W. H. Brand, Examiner of Accounts, is appointed to the charge of the Imperial State Railway Accounts, North-Western Provinces and Central India.

No. 253.—Mr. A. Grant, Deputy Examiner of Accounts, is appointed to the charge of the State Railway Accounts, Madras, as a temporary arrangement.

No. 254.—The services of Mr. P. T. S. Large, Executive Engineer, 2nd Grade, State Railways, are, on his return from furlough, placed at the disposal of the Chief Commissioner, Central Provinces, for employment in the Railway Branch.

No. 255.—The services of Mr. C. Thomson, Executive Engineer, 2nd Grade, sub. *pro tem.*, State Railways, are placed temporarily at disposal of the Agent to the Governor General, Rajputana, for employment on the Oodeypore-Chittore Railway Surveys.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

N° 43.} SIMLA, SATURDAY, OCTOBER 25, 1884.

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

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Nothing for publication.

SUPPLEMENT No. 43.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—MEDICAL.

Simla, the 22nd October 1884.

No. 440.—With reference to Home Department Notification No. 154, dated the 14th April 1882, the services of Surgeon J. W. W. Macnamara are permanently placed at the disposal of the Chief Commissioner of Assam.

The 24th October 1884.

No. 444.—His Excellency the Viceroy and Governor General has been pleased to appoint 1st Class Assistant Surgeon Rao Sahib Vishram Ramji Ghole, L.M., Bombay, to be an Honorary Assistant Surgeon to His Excellency, *vice* Assistant Surgeon Ananta Chandroba, deceased.

SANITARY.

The 24th October 1884.

No. 309.—The services of Surgeon-Major R. Pringle, M.D., Deputy Sanitary Commissioner, 1st Circle, North-Western Provinces and Oudh, are replaced at the disposal of the Military Department.

EDUCATION.

The 22nd October 1884.

No. 307.—Mr. Shriram Bhikaji Jatar, B.A., Officiating Director of Public Instruction in Berar, is confirmed in that appointment, with effect from the 31st August last.

Mr. Bajaba Pradhan, Assistant Inspector of Schools in Berar, to be Inspector of Schools, *vice* Mr. Shriram Bhikaji Jatar, appointed Director of Public Instruction in that province.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 22nd October 1884.

No. 794—116-9 *G.*—Mr. E. C. Buck, C.S., Secretary to the Government of India in the Revenue and Agricultural Department, is granted furlough for four months, with effect from the 1st November 1884.

No. 795—116-9 *G.*—Mr. T. W. Holderness, C.S., Under Secretary to the Government of India in the Revenue and Agricultural Department, is appointed to officiate as Secretary during Mr. Buck's absence on furlough.

E. C. BUCK,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 23rd October, 1884.

No. 2033*G.*—The services of Surgeon-Major W. E. Allen, Medical Officer of the Bhopal Battalion and of the Bhopal Political Agency, are replaced at the disposal of the Military Department, with effect from the date of his return to duty from furlough.

No. 2036*G.*—Surgeon A. H. C. Dane, M.D., Officiating Medical Officer of the Bhopal Battalion and of the Bhopal Political Agency, is confirmed in that appointment, *vice* Surgeon-Major W. E. Allen, whose services have been replaced at the disposal of the Military Department.

The 24th October, 1884.

No. 2046 *G.*—Mr. H. M. Durand, C.S.I. C.S., Under Secretary, is appointed to officiate as Secretary to the Government of India in the Foreign Department, *vice* Mr. C. Grant, C.S.I., C.S., proceeding on furlough, with effect from the 26th October, 1884.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 21st October 1884.

No. 4101.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

September 1884. (Lakhs of Rupees.)

[For the explanation of these heads, see *Gazette of India*, dated 22nd December 1883, Part I, page 197.]	In September.		To end of September.		Whole year.	
	1884-85.	1883-84.	1884-85.	1883-84.	Budget, 1884-85.	Actuals (Preliminary), 1883-84.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation) ...	74	88	8,42	8,67	22,40	22,74
Opium ...	74	87	4,29	4,66	8,59	9,56
Salt ...	43	42	3,00	2,96	6,33	6,14
Stamps ...	25	29	1,85	1,84	3,52	3,50
Excise ...	33	32	1,98	1,89	3,80	3,83
Provincial Rates ...	11	15	1,09	1,18	2,74	2,81
Customs ...	5	6	45	55	1,29	1,19
Assessed Taxes ...	3	3	44	44	52	52
Forest (Madras and Bombay only) ...	2	2	12	12	38	34
Registration ...	2	1	15	15	26	26
Tributes from Native States ...	1	1	19	20	70	72
Other Civil Revenue ...	18	18	1,42	1,39	3,00	3,05
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS ...	2,91	3,24	23,40	24,05	53,54	54,66
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works ...	— 23	— 25	— 1,89	— 1,89	— 3,80	— 3,74
Opium ...	— 30	— 31	— 2,59	— 1,53	— 2,35	— 1,86
Exchange on transactions with London ...	— 6	— 21	— 1,30	— 1,85	— 3,72	— 3,93
Other Civil Expenditure ...	— 1,49	— 1,53	— 9,49	— 9,36	— 21,08	— 19,73
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS ...	— 2,08	— 2,30	— 15,27	— 14,63	— 30,95	— 29,26
Extraordinary Receipts ...	...	...	...	...	...	...
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments. [The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts more, — Receipts less, than issues) ...	+ 2	+ 3	+ 32	+ 25	+ 47	+ 44
Forest, Telegraph, Marine (Net as above) ...	— 2	...	— 10	— 7	— 10	— 8
Guaranteed and Subsidized Railways (Net as above)	+ 16	+ 17	+ 2,02	+ 2,36	+ 4,65	+ 4,16
Do. Repayment of Surplus profits, &c. ...	...	...	— 3	— 10	— 45	
Military Receipts ...	+ 3	+ 5	+ 29	+ 37	+ 88	+ 83
Military Issues ...	— 99	— 90	— 5,81	— 5,68	— 11,88	— 11,66
Public Works Department—						
State Railways Receipts ...	+ 22	+ 16	+ 1,51	+ 1,12	— 2,09	+ 2,42
„ „ Issues ...	— 40	— 30	— 2,62	— 2,03		— 4,53
East Indian Railway Receipts ...	+ 24	+ 31	+ 1,86	+ 2,33	+ 2,45	+ 4,54
„ „ „ Issues ...	— 14	— 11	— 75	— 79		— 1,62
Ordinary Branches Receipts ...	+ 11	+ 9	+ 89	+ 88	— 4,96	+ 1,90
„ „ Issues ...	— 48	— 49	— 3,30	— 3,46		— 7,31
TOTAL NON-CIVIL DEPARTMENTS ...	— 1,25	— 99	— 5,72	— 4,82	— 11,03	— 10,91
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more, — Receipts less, than payments) ...	...	+ 52	— 2	+ 2,02	+ 2,50	+ 2,50
Mint Certificates and Bullion Advances (Net as above) ...	— 1	+ 17	+ 13	+ 37	+ 3	+ 33
Council Bills paid (including Telegraphic) at Rs. 10 per £ ...	— 29	— 84	— 6,02	— 9,24	— 16,50	— 18,84
Other Debt heads (Net as above) ...	+ 4	+ 2	+ 37	+ 16	+ 98	— 10
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 26	— 13	— 5,54	— 6,69	— 12,99	— 16,11
GRAND TOTAL RECEIPTS AND ISSUES	— 68	— 18	— 3,13	— 2,09	— 1,43	— 1,62
Opening Cash Balance in Treasuries and Presidency Banks ...	10,75	12,91	13,20	14,82	12,44	14,82
Closing Cash Balance in Treasuries and Presidency Banks ...	10,07	12,73	10,07	12,73	11,01	13,20

The 23rd October 1884.

No. 4149.—Mr. W. Donald and Mr. H. S. Groves having been appointed to act, respectively, as Accountant General and as Deputy Accountant General, Madras, during Mr. Clogstoun's absence on privilege leave, Mr. W. Donald made over, and Mr. H. S. Groves received, charge of the office of the Deputy Accountant General, Madras, before noon on the 6th October 1884.

The 24th October 1884.

No. 4185.—*Erratum.*—In line 1 of the Notification by the Government of India in the Department of Finance and Commerce, No. 4040, dated 17th October 1884, published at page 361, Part I of the *Gazette of India* of the 18th idem, for "*Mr. G. J. VanSomeren*" read "*Major G. J. VanSomeren.*"

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 24th October, 1884.

APPOINTMENTS.

No. 559.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India:—

Lieutenant Harry Trevor, Cheshire Regiment, Officiating Wing Officer, 15th Native Infantry,—6th July, 1883.

Lieutenant Arthur Philip Desborough Harris, West Riding Regiment, Officiating Wing Officer, 11th Native Infantry,—7th November, 1883.

No. 560.—QUARTERMASTER GENERAL'S DEPARTMENT—

The following temporary appointments are made:—

Major M. S. Bell, V.C., R.E., Assistant Quartermaster General, Intelligence Branch, to be Deputy Quartermaster General, Intelligence Branch, *vice* Colonel W. S. A. Lockhart, C.B., whose services have been placed at the disposal of Her Majesty's Government. Dated 3rd August, 1884.

Captain P. J. Maitland, Deputy Assistant Quartermaster General, Intelligence Branch, to be Assistant Quartermaster General, Intelligence Branch, *vice* Major Bell, V.C. Dated 3rd August, 1884.

Captain E. G. Barrow, Bengal S. C., Wing Commander, 7th Native Infantry, to be Deputy Assistant Quartermaster General, Intelligence Branch, *vice* Captain Maitland. Dated 5th September, 1884.

Captain G. F. Young, Deputy Assistant Quartermaster General, to be Assistant Quartermaster General, Intelligence Branch, *vice* Captain Maitland, proceeded on duty with the Afghan Boundary Commission. Dated 10th September, 1884.

No. 561.—MEDICAL DEPARTMENT—

Deputy Surgeon-General R. Webb, Army Medical Department, is brought on the Administrative Medical Staff of the Army, *vice* Deputy Surgeon-General J. Hendley, C.B., transferred to the Home Establishment. Dated 20th September, 1884.

FURLOUGH AND LEAVE.

No. 562.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel and Brevet Colonel H. C. Smith, Bengal S. C., Superintendent of a Reserve Depôt, Army Remount Department, (p. a.) for one year and 51 days, under rule IX of the regulations of 1868.

Major E. C. S. Jackson, General List, Infantry, Wing Officer, 32nd Native Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

Major G. W. Beresford, Bengal S. C., Wing Commander and 2nd-in-Command, 43rd Native Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

Captain C. Hogge, Bengal S. C., Wing Officer, 32nd Native Infantry, (p. a.) for 311 days, under rule IX of the regulations of 1868, embarking on or after the 18th November, 1884.

Lieutenant F. P. Hutchinson, Bengal S. C., Wing Officer, 2nd (Prince of Wales' Own) Goorkha Regiment, (p. a.) for one year, under rule I of the regulations of 1875.

Lieutenant R. H. Twigg, Bengal S. C., Wing Officer and Quartermaster, 12th Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Surgeon-Major G. Henderson, M.D., (m. c.) for one year and 121 days, under rules IX and XV of the regulations of 1868, with effect from the 14th August, 1883.

Surgeon-Major J. Cameron, M.D., (p. a.) for one year, under rule IX of the regulations of 1868.

Surgeon W. Conry, 13th (Duke of Connaught's) Bengal Lancers, (p. a.) for one year, under rule I of the regulations of 1875.

No. 563.—Lieutenant-Colonel J. P. Steel, R.E., Superintending Engineer, 2nd class, Secretary to the Agent to the Governor General, Rajputana, Public Works Department, is granted furlough in and out of India (p. a.) for two years, under rule IX of the regulations of 1868, with effect from the 10th July, 1884.

No. 564.—The first ninety days of the general leave granted to Lieutenant G. R. MacMullen, Bengal S. C., Wing Officer, 6th Punjab Infantry, in G. G. O. No. 172 of 1884, was on full staff pay.

No. 565.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Major T. O. Wingate, Bengal S. C., (m. c.) for three months.

Captain W. T. Shone, R.E., (p. a.) for 14 days.

Surgeon-Major G. King, M.B., (p. a.) for 31 days.

PROMOTIONS.

No. 566.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Captains.

Lieutenant Ivar MacIvor,—19th October, 1884.

Lieutenant Walter Francis Courtenay Chichelé Plowden,—19th October, 1884.

Lieutenant Roderick William MacLeod,—19th October, 1884.

To be Colonel.

Lieutenant-Colonel Robert Hoskyns Phelips, Madras S. C.,—20th October, 1884.

MEDICAL DEPARTMENT.

To be Surgeons-Major.

Surgeon Mathew Denis Moriarty, M.B.—Dated 1st October, 1884.

Surgeon Gordon Price, M.D.—Dated 1st October, 1884.

Surgeon Edward Bovill, M.B.—Dated 1st October, 1884.

Surgeon Bartholomew O'Brien, M.D.—Dated 1st October, 1884.

Surgeon George Albert Dundas.—Dated 1st October, 1884.

Surgeon Henry Walter Hill, M.B.—Dated 1st October, 1884.

Surgeon Zalnoor Allee Ahmed, M.D.—Dated 1st October, 1884.

Surgeon William Arthur Gilligan.—Dated 1st October, 1884.

Surgeon William Edwin Griffiths.—Dated 1st October, 1884.

No. 567.—NATIVE ARMY—

13th Bengal Lancers.

Ressaldar Kahn Singh to be Ressaldar-Major;

Ressaldar Chuttur Singh to be Ressaldar, *vice* Ressaldar and Ressaldar-Major Urbell Singh, invalided;

Jemadar Saadut Ali Khan to be Woordie-Major, *vice* Ressaldar Khadum Ally Khan, who has resigned that appointment;

Kote-Duffadar Mugger Singh to be Jemadar, *vice* Jemadar Saadut Ali Khan, appointed Woordie-Major;

Kote-Duffadar Jeewand Singh to be Jemadar, *vice* Jemadar Meah Khan, invalided,—

with effect from 1st May, 1884.

Duffadar Gholam Ruzza Khan to be Jemadar, *vice* Jemadar Bazmeer Khan, invalided, with effect from 10th June, 1884.

17th Native Infantry.

Havildar Allyar Khan to be Jemadar, with effect from 1st May, 1884, *vice* Jemadar Shaick Joomun, promoted.

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

No. 568.—The promotion of Captain W. L. Greenstreet, R.E., to Superintending Engineer, class III, published in G. G. O. No. 505 of 1884, is antedated to 23rd April, 1884.

No. 569.—The following promotions and reversions are made with effect from the dates specified:—

Name.	From	To	Nature of promotion, &c.	Date.
Capt. N. Arnott, R.E. ...	Executive Engineer, 2nd grade	Executive Engineer, 1st grade.	*Sub. pro tem.*...	23rd Apl., 1884.
„ E. H. Cameron, R.E. ...	Executive Engineer, 3rd grade	Executive Engineer, 2nd grade.	Do. ...	Do.
Lieut. H. H. Barnet, R.E. ...	Assistant Engineer, 2nd grade	Assistant Engineer, 1st grade.	Do. ...	Do.
„ G. H. B. Gordon, R.E. ...	Assistant Engineer, 1st grade, *sub. pro tem.*	Do. do.	Permanent ...	16th July, 1884.
„ W. Huskisson, R.E. ...	Assistant Engineer, 2nd grade	Do. do.	*Sub. pro tem.*...	Do.
Major W. G. Nicholson, R.E. ...	Executive Engineer, 1st grade, *sub. pro tem.*	Executive Engineer, 1st grade.	Permanent ...	8th Aug., 1884.
Capt. E. H. Cameron, R.E. ...	Executive Engineer, 2nd grade, *sub. pro tem.*	Executive Engineer, 2nd grade.	Do. ...	Do.
Major W. G. Nicholson, R.E. ...	Executive Engineer, 1st grade	Superintending Engineer, class III.	*Sub. pro tem.*...	Do.
Capt. R. F. Moore, R.E. ...	Executive Engineer, 2nd grade	Executive Engineer, 1st grade.	Do. ...	Do.
„ F. B. G. D'Aguilar, R.E.	Executive Engineer, 3rd grade	Executive Engineer, 2nd grade.	Do. ...	Do.
„ H. B. Rich, R.E. ...	Assistant Engineer, 1st grade	Executive Engineer, 4th grade.	Do. ...	Do.
Lieut. H. F. Chesney, R.E. ...	Assistant Engineer, 2nd grade	Assistant Engineer, 1st grade,	Do. ...	Do.
„ W. Huskisson, R.E. ...	Assistant Engineer, 1st grade, *sub. pro tem.*	Assistant Engineer, 2nd grade.	Reversion ...	15th Sep., 1884.
Capt. F. B. G. D'Aguilar, R.E.	Executive Engineer, 2nd grade, *sub. pro tem.*	Executive Engineer, 3rd grade.	Do. ...	16th Sep., 1884.
„ H. B. Rich, R.E. ...	Executive Engineer, 4th grade, *sub. pro tem.*	Assistant Engineer, 1st grade.	Do. ...	Do.
Lieut. H. F. Chesney, R.E. ...	Assistant Engineer, 1st grade, *sub. pro tem.*	Assistant Engineer, 2nd grade.	Do. ...	Do.

MARINE DEPARTMENT.

DISMISSALS.

No. 48.—Mr. T. J. Brend, Assistant Engineer, Indian Marine, is dismissed the service.

RESIGNATIONS.

No. 49.—G. G. O. No. 47 of 1884, permitting Mr. Clement Fuller, Assistant Engineer, Indian Marine, to resign the service, is cancelled.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 20th October, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that a report of the death of the undermentioned Warrant Officer, on the date specified, was received in the Military Department between the 11th and the 20th October, 1884:—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Barrack Department ...	Conductor J. McClure ...	11th October, 1884.	Morar ...	...	...

Statement of Deposits on account of Estates between the 11th and the 20th October, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Robert Proctor Tickell (*a*)	Major ...	Royal Engineers.	10th July, 1884.	Will left	4,092 10 3	...	...
Jeremiah O'Brien Curtin (*b*)	Surgeon ...	Army Medical Department.	25th May, 1881	Intestate	1,176 6 3	...	20th December, 1884.

(*a*) *Next-of-kin.—Brother*—Arthur Lang Tickell, Major, Middlesex Regiment, Secunderabad.
(*b*) *Next-of-kin.—Mother*—Johanna O'Brien Curtin.

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 21st October 1884.

No. 256.—ERRATUM.—Public Works Department No. 197, dated 21st August 1884, is cancelled.

No. 257.—Mr. H. T. Geoghegan, Superintending Engineer, Class I, *temporary rank*, Engineer-in-Chief of the Bhopal State Railway, is granted leave on medical certificate for four months under Section 50 of the Civil Leave Code.

The 22nd October 1884.

No. 258.—Mr. A. Collings, Executive Engineer, 4th Grade, British Burma, on return from furlough is transferred temporarily to State Railways, and his services placed at the disposal of the Director General of Railways.

The 24th October 1884.

No. 259.—Mr. J. M. Harman, Executive Engineer, 4th Grade, State Railways, is transferred, at the public expense, from the Establishment under the Chief Commissioner of British Burma to that under the Government of Madras for employment in the Railway Branch.

No. 260.—Mr. J. Conder, Class II of the State Railway Superior Revenue Establishment, is appointed to act temporarily as Traffic Superintendent of the Rajputana-Malwa State Railway during the absence on privilege leave of Mr. I. O'Callaghan, or until further orders.

While so acting, Mr. Conder will hold officiating rank in Class I, Grade 3, of the Superior Revenue Establishment.

W. S. TREVOR, *Colonel, R.E.*,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 44.} SIMLA, SATURDAY, NOVEMBER 1, 1884.

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

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SUPPLEMENT No. 44.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 31st October, 1884.

No. 19.—His Excellency the Viceroy and Governor General has been pleased to accept the resignation by the Hon'ble D. G. Barkley of his office of Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

D. FITZPATRICK,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Simla, the 29th October 1884.

No. 1374.—In exercise of the power conferred by Section 5 of Act XIV of 1874 (The Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend Section 40 of Act XIV of 1869 (The Bombay Civil Courts Act, 1869) to the Province of Sind.

EXAMINATIONS.

The 29th October 1884.

No. 43.—The following Regulations respecting the examination of candidates for the Civil Service of India, to be held in June 1885, are published for general information:—

EXAMINATIONS FOR THE CIVIL SERVICE OF INDIA.

Regulations for the Open Competition of June, 1885.

N.B.—The Regulations are liable to be altered in future years.

1. On the 2nd June, 1885, and following days, an Examination open to all qualified persons will be held in London (*a*). Not fewer than persons will be selected, if so many shall be found duly qualified; *viz.*, for the Lower Provinces of Bengal (including Assam); for the Upper Provinces of Bengal (including the Punjab and Oudh); for Burma; for Madras, and for Bombay (*b*).

2. No person will be deemed qualified who shall not satisfy the Civil Service Commissioners—

(i) That he is a natural-born subject of Her Majesty.

(ii) That his age will be above seventeen years and under nineteen years on the 1st January, 1885. [*N.B.—In the case of Natives of India this must be certified by the Government of India, or of the Presidency or Province in which the Candidate may have resided.*]

(iii) That he has no disease, constitutional affection, or bodily infirmity unfitting him, or likely to unfit him, for the Civil Service of India.

(iv) That he is of good moral character.

3. Should the evidence upon the above points be *prima facie* satisfactory to the Civil Service Commissioners, the Candidate, on payment of the prescribed fee (*c*), will be admitted to the Examination. The Commissioners may, however, in their discretion, at any time prior to the grant of the Certificate of Qualification hereinafter referred to, institute such further inquiries as they may deem necessary; and if the result of such inquiries, in the case of any Candidate, should be unsatisfactory to them in any of the above respects, he will be ineligible for admission to the Civil Service of India; and if already selected will be removed from the position of a Probationer.

4. The Examination will take place only in the following branches of knowledge:—

	Marks.
English Composition	500
(*d*) History of England—including a period selected by the Candidate ..	500
(*d*) English Literature—including books selected by the Candidate ...	500
Greek	600
Latin	800
French	500
German	500
Italian	400
(*e*) Mathematics (pure and mixed)	1,000
Natural Science; that is, the Elements of any two of the following Sciences, *viz.*:— Chemistry, 500; Electricity and Magnetism, 300; Experimental Laws of Heat and Light, 300; Mechanical Philosophy, with outlines of Astronomy, 300.	
Logic	500
Elements of Political Economy	500
(*f*) Sanskrit	500
(*f*) Arabic	500

Candidates are at liberty to name any or all of these branches of knowledge. No subjects are obligatory.

(*a*) An order for admission to the Examination will be sent to each Candidate on the 19th of May.

(*b*) The numbers will be announced hereafter.

(*c*) The fee (£5) will be payable by means of a special stamp according to instructions which will be communicated to Candidates.

(*d*) A considerable portion of the marks for English History and Literature will be allotted to the work selected by the Candidate. (See notice on p. 4.) In awarding marks for this, regard will be had partly to the extent and importance of the periods or books selected, but chiefly to the thoroughness with which they have been studied.

(*e*) The Examination will range from Arithmetic, Algebra, and Elementary Geometry, up to the elements of the differential and integral calculus, including the lower portions of applied Mathematics.

(*f*) The standard of marking in Sanskrit and Arabic will be determined with reference to a high degree of proficiency, such as may be expected to be reached by a Native of good education.

5. The merit of the persons examined will be estimated by marks; and the number set opposite to each branch in the preceding regulation denotes the greatest number of marks that can be obtained in respect of it.

6. The marks assigned to Candidates in each branch will be subject to such deduction as the Civil Service Commissioners may deem necessary (*g*), in order to secure that "a Candidate be allowed no credit at all for taking up a subject in which he is a mere smatterer."

7. The Examination will be conducted on paper and *viva voce*, as may be deemed necessary.

8. The marks obtained by each Candidate, in respect of each of the subjects in which he shall have been examined, will be added up, and the names of the several Candidates who shall have obtained, after the deduction abovementioned, a greater aggregate number of marks than any of the remaining Candidates, will be set forth in order of merit, and such Candidates shall be deemed to be Selected Candidates for the Civil Service of India, provided they appear to be in other respects duly qualified. Should any of the Selected Candidates become disqualified, the Secretary of State for India will determine whether the vacancy thus created shall be filled up or not. In the former case, the Candidate next in order of merit, and in other respects duly qualified, shall be deemed to be a Selected Candidate. A Selected Candidate declining to accept the appointment which may be offered to him will be disqualified for any subsequent competition.

9. Selected Candidates, before proceeding to India, will be on probation for two years, during which time they will be examined periodically, with a view of testing their progress in the following subjects (*h*):—

	Marks.
1. Law	1,250
2. Classical Languages of India—	
Sanskrit	500
Arabic	100
Persian	400
3. Vernacular Languages of India (each)	400
4. The History and Geography of India	350
5. Political Economy	350

In these Examinations, as in the open competition, the merit of the Candidates examined will be estimated by marks, and the number set opposite to each subject denotes the greatest number of marks that can be obtained in respect of it at any one Examination. The Examination will be conducted on paper and *viva voce*, as may be deemed necessary. The last of these Examinations will be held at the close of the second year of probation, and will be called the "Final Examination," at which it will be decided whether a Selected Candidate is qualified for the Civil Service of India. At this Examination Candidates will be permitted to take up any one of the following branches of Natural Science, *viz.*,—Agricultural Chemistry, Botany, Geology, or Zoology, for which 350 marks will be allowed.

10. Candidates will be tested during their probation as to their ability to perform journeys on horseback; and no Candidate will be deemed qualified for the Civil Service of India who fails to satisfy the Civil Service Commissioners of his competence in this respect.

11. Any Candidate who, at any of the periodical Examinations, shall appear to have wilfully neglected his studies, or to be physically incapacitated for pursuing the prescribed course of training, will be liable to have his name removed from the list of Selected Candidates.

12. The Selected Candidates who, at the Final Examination, shall be found to have a competent knowledge of the subjects specified in Regulation 9, and who shall have satisfied the Civil Service Commissioners of their eligibility in respect of nationality, age, health, character, and ability to ride, shall be certified by the said Commissioners to be entitled to be appointed to the Civil Service of India, provided they shall comply with the regulations in force at the time for that Service.

(*g*) Marks assigned in English Composition and Mathematics will be subject to no deduction.

(*h*) Full instructions as to the course of study to be pursued will be issued to the successful Candidates as soon as possible after the result of the Open Competition is declared.

13. Persons desirous to be admitted as Candidates must apply on forms, which may be obtained from "The Secretary, Civil Service Commission, London, S.W.," at any time after the 1st December, 1884. The forms must be returned so as to be received at the office of the Civil Service Commissioners on or before 31st March, 1885 (*i*).

The Civil Service Commissioners are authorized by the Secretary of State for India in Council to make the following announcements:—

(1) *Selected Candidates will be permitted to choose, according to the order in which they stand in the list resulting from the Open Competition, so long as a choice remains, the Presidency (and in Bengal the Division of the Presidency) to which they shall be appointed; but this choice will be subject to a different arrangement, should the Secretary of State, or the Government of India, deem it necessary (k).*

(2) *The Probationers, having passed the necessary Examinations, will be required to report their arrival in India within such period after the grant of their Certificate of Qualification as the Secretary of State may in each case direct.*

(3) *The seniority in the Civil Service of India of the Selected Candidates shall be determined according to the order in which they stand on the list resulting from the Final Examination.*

(4) *An allowance amounting to £300 will be given to all Candidates who pass their probation at one of the Universities or Colleges which have been approved by the Secretary of State, viz., the Universities of Oxford, Cambridge, Dublin, Glasgow, Edinburgh, St. Andrew's, and Aberdeen; University College, London; and King's College, London; provided such Candidates shall have passed the required Examinations to the satisfaction of the Civil Service Commissioners, and shall have complied with such rules as may be laid down for the guidance of Selected Candidates.*

(5) *Selected Candidates desiring to remain in this country an additional year after the completion of their two years' probation for the purpose of taking a degree at one of the Universities abovementioned should apply to the Secretary of State for India for permission to do so. Besides the allowances abovementioned, a bonus of £150 will, as a temporary and experimental measure, be paid to any Candidate who, having obtained permission to remain an additional year, passes an examination qualifying for a degree in Honors at Oxford or Cambridge. This privilege will be hereafter extended to any other of the Universities above referred to, at which an academical distinction is obtainable which, in the opinion of the Secretary of State, corresponds to a degree in Honors at Oxford or Cambridge and to obtain which the additional year's residence in this country is necessary.*

(6) *All Selected Candidates will be required, after having passed the first periodical Examination, and before receiving the first instalment of their allowance, to attend at the India Office for the purpose of entering into an agreement binding themselves, amongst other things, to refund in certain cases the amount of their allowance in the event of their failing to proceed to India. A surety will be required.*

(7) *After passing the Final Examination, each Candidate will be required to attend again at the India Office, with the view of entering into covenants by which, amongst other things, they will bind themselves to agree to such Regulations for the provision of pensions for their families as may be approved by the Secretary of State for India in Council. The stamps payable on these covenants amount to £1.*

(8) *Candidates rejected at the Final Examination of 1887 will in no case be allowed to present themselves for re-examination.*

(*i*) These forms should be accompanied by evidence on the points mentioned in Regulation 2 and by a list of the subjects in which the Candidate desires to be examined. Evidence of health and character must bear date not earlier than 1st March, 1885. Applications for leave to alter or add to the list of subjects named will not be entertained unless received on or before the 4th of May.

(*k*) This choice must be exercised immediately after the result of the Open Competition is announced, on such day as may be fixed by the Civil Service Commissioners.

Notice respecting the Examination in the History of England and English Literature.

History of England.

For the guidance of Candidates who may have a difficulty in making their selections for special study under this head, the following list is given as indicating the character and amount of reading that would be regarded as satisfactory.

Any one of the following periods, to be studied generally in "Bright's History," and particularly in portions selected by the Candidate, of the Text books named:—

1. **Henry II. to Edward III., A.D. 1154-1377.**—Stubb's Select Charters; Stubb's Constitutional History of England.

2. **The Tudors, A.D. 1485-1603.**—Hallam's Constitutional History of England; Froude's History of England.

3. **The Stuarts, A.D. 1603-1714.**—Hallam's Constitutional History of England; Macaulay's History of England.

4. **A.D. 1714-1805.**—Lord Stanhope's History; Sir T. E. May's Constitutional History; *either* Massey's Reign of George III. *or* Lord Stanhope's Life of Pitt.

English Literature.

Under this head there will be (besides the general paper) a special paper on the following books:—

1. **Chaucer.**—Prologue and Clerk's Tale.
2. **Shakespeare.**—As You Like It, Antony and Cleopatra.
3. **More.**—Utopia.
4. **Byron.**—Childe Harold.
5. **Burke.**—Thoughts on Present Discontents, Reflections on the French Revolution.

The oral examination in English Literature will have reference chiefly to such works, *not included in the foregoing list*, as the Candidate may offer for the purpose.

EVIDENCE OF AGE TO BE REQUIRED FROM CANDIDATES FOR THE CIVIL SERVICE OF INDIA.

I.—Every candidate born in England or Wales should produce a Certificate from the Registrar-General of Births, Marriages, and Deaths, or from one of his provincial Officers. This Certificate may be obtained at Somerset House, or from the Superintendent Registrar of the district in which the birth took place.

II.—A Candidate who is a Native of India must have his age certified by the Government of India, or of the Presidency or Province in which he may have resided.

III.—Every other Candidate *not producing the Certificate* mentioned in Clause I must prove his age by Statutory Declaration, and should also, if possible, produce a record of Birth or Baptism from some official Register; under which term may be included the Parochial Registers of Baptisms, the non-Parochial Registers of Baptisms and Births deposited at Somerset House under Acts of Parliament, the Register kept at the India Office of persons born in India, &c., &c. This Regulation applies—

1. To all Candidates not born in England or Wales.
2. To Candidates who, though born in England or Wales, cannot produce the Registrar-General's Certificate.

The Civil Service Commissioners reserve to themselves the right of deciding in each case upon the sufficiency of the evidence produced, but they subjoin the following general rules for the guidance of Candidates:—

(*a*) The Declaration should specify precisely the date and place of birth, and should, if possible, be made by the father or mother of the Candidate. If made by any other person, it should state the circumstances which enabled the Declarant to speak to the fact. If an entry in a Bible or other family record be referred to, the Bible or other record must be produced at the time of making the Declaration, and must be mentioned in the Declaration as having been so produced.

(*b*) If the Candidate was born in England or Wales, the Declaration must contain a statement that after due inquiry no entry has been found in the books of the Registrar-General; or a separate Declaration must be made to that effect.

(*c*) If no extract from any Register is produced, the Declaration must contain a statement that after due inquiry no such Record is believed to exist; or a separate Declaration must be made to that effect.

(*d*) Statutory Declarations must be exactly in the form prescribed by the Act of 5 and 6 William IV., c. 62. A printed form, if required, will be supplied on application to the Civil Service Commissioners.

N.B.—Clergymen who are not Magistrates are not qualified to take Declarations.

CIVIL SERVICE OF INDIA.

FORM OF APPLICATION; TO BE FILLED UP BY CANDIDATES.

*** *This form must be sent so as to be received at the Office of the Civil Service Commission on or before the 31st March, 1885.*

*Date*_____

SIR,

BEING desirous to offer myself as a Candidate at the Examination for the Civil Service of India, which is appointed to commence on the 2nd of June, 1885, I transmit herewith, as required by the Regulations—

(1) A certificate of my birth, showing that I was born on the day of 18 , and that therefore my age was above 17 years and under 19 years on the 1st of January, 1885.

(1) If a General Register Office certificate cannot be obtained, the instructions printed on the other side will show what evidence should be supplied. If evidence is already in the hands of the Commissioners, strike out "A certificate of my birth," and insert "Evidence is already in the possession of the Commissioners."

(2) A certificate signed by

of my having "no disease, constitutional affection, or bodily infirmity unfitting me, or likely to unfit me, for the Civil Service of India."

(2) The terms indicated by the marks of quotation must appear in the certificate, which must be given after personal examination, and bear date not earlier than 1st March, 1885.

(3) Proof of my moral character, *viz.*:—

(1) A testimonial from

(2) A testimonial from

(3) Two testimonials must be sent bearing date not earlier than 1st March, 1885. One of them should be given by an intimate acquaintance (not a relative) of not less than three or four years' standing; the other, if the candidate has recently left school, should be given by his late schoolmaster, or, if he has had employment of any kind, by his late employer. If the candidate has been at any University, he should send a certificate of good conduct from his College tutor.

(4) A statement of the branches of knowledge in which I desire to be examined.

(4) This should be given on the form herewith. If the History of England or English Literature be named, the schedule should also be filled up.

I have also to state, with reference to Section 2, Clause (i) of the Regulations, that I am a natural-born subject of Her Majesty.

I am, SIR,

Your obedient Servant,

*Name in full*_____

*Address*_____

_____

To the Secretary,

Civil Service Commission.

CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1885.

SELECTION OF SUBJECTS TO BE FILLED UP AND RETURNED WITH THE FORM OF APPLICATION.

*** *Place your Initials against the Subjects which you select, and strike out the remainder.*

	INITIALS.
English Composition	.....
* History of England	.....
* English Literature	.....
Greek	.....
Latin	.....
French	.....
German	.....
Italian	.....
Mathematics (Pure)	.....
„ (Mixed)	.....
Natural Science, *viz.*—	
Chemistry	.....
Electricity and Magnetism...	.....
Experimental Laws of Heat and Light...	.....
Mechanical Philosophy and Astronomy...	.....
Logic	.....
Elements of Political Economy	.....
Sanskrit	.....
Arabic	.....

Two of these only may be selected.

Any Candidate who wishes to decline Oral Examination in any of the subjects selected by him, or the Practical Examination in Chemistry, should fill up the subjoined statement:—

¶ You may insert here the word "not."

I do ¶ wish to be examined *orally* in_____

_____

_____

¶ You may insert here the word "not."

I do ¶ wish to be examined *practically* in Chemistry.

*Signature*_____

*Date*_____

* State Periods and Books selected on the next sheet.

[over]

To the Director of Examinations,

Civil Service Commission.

CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1885.

History of England.—Period selected by the undersigned Candidate:—

English Literature.—Books selected by the undersigned Candidate:—

Signature _____

To the Director of Examinations,
Civil Service Commission.

REVENUE AND AGRICULTURAL DEPARTMENT.

FORESTS.

The 27th October 1884.

No. 797 *F.*—Mr. J. Copeland, Sub-Assistant Conservator of Forests in the Punjab, and Officiating Assistant Conservator of Forests of the 3rd Grade, is confirmed in the latter appointment, with effect from the 1st October 1884.

Mr. A. Watson, temporarily an Assistant Conservator of Forests in Biluchistan, is appointed to be a Sub-Assistant Conservator of Forests in the Punjab, with effect from the date on which he was relieved of his duties in Biluchistan. Mr. A Watson will officiate as an Assistant Conservator of Forests of the 3rd Grade, with effect from the same date.

A. MACKENZIE,
Secy. to the Govt. of India.

NOTIFICATION.—SURVEYS.

Simla, the 29th October 1884.

No. 622—32-28 *S.*—Mr. F. Fedden, Assistant Superintendent of the 2nd Grade, Geological Survey of India, is granted furlough for 23 months under Section 50, Chapter V of the Civil Leave Code, with effect from the 15th November 1884, or any later date on which he may avail himself of it.

T. W. HOLDERNESS,
Under-Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—INTERNAL.

Simla, the 27th October, 1884.

No. 3965 *I.*—In continuation of the Notification of the Government of India in the Foreign Department, No. 2392I., dated the 25th June, 1884, the Governor-General in Council is pleased to invest Mr. R. E. Acklom, Superintendent of the Rajputana-Malwa Railway Police, and Magistrate of the 1st Class, with the additional powers under Sections 133, 144, 174, 186, 191 (*a*), 191 (*b*), 260, and 524 of the Criminal Procedure Code, to be exercised within the sections of the Rajputana-Malwa Railway system mentioned in Schedule A of Foreign Department Notification, No. 1008I., dated the 21st March, 1884.

The 30th October, 1884.

No. 4024 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Rao Bahadur Manibhai Jashbhai, Diwan of Cutch, the title of "Diwan Bahadur," as a personal distinction.

EXTERNAL.

The 28th October, 1884.

No. 2831 *E.*—Surgeon R. J. Baker, M.B., Indian Medical Department, is appointed to the medical charge of the Civil Camp with the Zhob Expeditionary Force from the date of taking charge thereof.

GENERAL.

No. 2070 *G.*—Major H. B. Abbott, Additional Political Agent of the 1st Class, and Political Agent, Jhallawar, is appointed to hold charge of the current duties of the office of Political Agent, Kotah, in addition to his own duties, with effect from the 22nd September, 1884, during the employment of Lieutenant-Colonel C. A. Bayley as Officiating Resident in the Western States of Rajputana.

The 30th October, 1884.

No. 2092 *G.*—With reference to Foreign Department Notification, No. 1409G., of the 22nd July, 1884, the recognition of the appointment by the Government of India of Mr. C. W. Simson, as Consular Agent for the Austro-Hungarian Empire at Coconada, has been confirmed by Her Majesty's Government.

No. 2096 *G.*—The services of Mr. S. O. B. Ridsdale, C.S., are replaced at the disposal of the Government of the North-Western Provinces and Oudh, with effect from the afternoon of the 11th October, 1884, the date on which he was relieved of his duties as Officiating Commissioner of the Hyderabad Assigned Districts by Mr. F. Henvey, C.S.

No. 2099 *G.*—Mr. W. Lee-Warner, C.S., Junior Under-Secretary, sub. *pro tem.*, is appointed to officiate as Under-Secretary to the Government of India in the Foreign Department, *vice* Mr. H. M. Durand, C.S.I., C.S., Officiating as Secretary, with effect from the 26th October, 1884.

No. 2100 *G.*—Mr. A. H. T. Martindale, C.S., Officiating Political Agent of the 3rd Class, and Assistant Secretary, is appointed to be Junior Under-Secretary to the Government of India in the Foreign Department, sub. *pro tem.*, *vice* Mr. W. Lee-Warner, C.S., Officiating as Under-Secretary, with effect from the 26th October, 1884.

No. 2101 *G.*—Major E. A. Fraser, Political Assistant of the 1st Class, is appointed to officiate as a Political Agent of the 3rd Class, with effect from the 26th October, 1884. Major Fraser is posted as Assistant Secretary to the Government of India in the Foreign Department, *vice* Mr. A. H. T. Martindale, C.S., appointed Junior Under-Secretary, sub. *pro tem.*, with effect from the date of assuming charge.

No. 2103 *G.*—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. F. Masotti, Consul for Belgium at Bombay, as Acting Consul-General for Belgium in British India, during the absence of Herr E. Van Eetvelde.

H. M. DURAND,
Offg. Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 31st October, 1884.

APPOINTMENTS.

No. 570.—DIVISIONAL STAFF—

Major-General J. I. Murray, C.B., Bengal S. C., to the Divisional Staff of the Army, *vice* Lieutenant-General C. Cureton, C.B., whose term of service on the staff has expired. Dated 21st October, 1884.

FURLOUGH AND LEAVE.

No. 571.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel J. F. F. Cologan, Bengal S. C., Wing Commander and 2nd-in-Command, 33rd Native Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

Major C. McK. Hall, General List, Infantry, Wing Commander and 2nd-in-Command, 5th Punjab Infantry (p. a.) for two years, under rule IX of the regulations of 1868.

Lieutenant H. H. Dobbie, Bengal S. C., Wing Officer and Adjutant, 30th Native Infantry, (m. c.) for one year, under rule I of the regulations of 1875.

No. 572.—Lieutenant-General C. Cureton, C.B., Bengal S. C., is permitted to proceed to, and reside in, England.

No. 573.—Major C. W. Brereton, R.A., Assistant to the Inspector General of Ordnance, Madras Circle, is granted leave in India (p. a.) for three days, with effect from the 1st September, 1884.

No. 574.—Sub-Conductor J. Donovan, Sub-Engineer, 3rd grade, Punjab Public Works Department, is granted furlough in and out of India (m. c.) for one year, under rule VI of the regulations of 1875, with effect from the date of quitting his station.

No. 575.—Surgeon-Major J. C. Shaw is granted furlough without pay for five days, with effect from the 3rd September, 1884, in extension of that allowed in G. G. O. No. 433 of 1884.

No. 576.—Surgeon G. A. Cones has been granted six months' extension of the furlough allowed in G. G. O. No. 552 of 1883.

No. 577.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel and Brevet-Colonel J. C. C. Daunt, V.C., Bengal S. C., (m. c.) for six months.

Lieutenant-Colonel C. H. Luard, R.E., (p. a.) for 220 days.

Major and Brevet Lieutenant-Colonel R. F. C. A. Tytler, General List, Infantry, (p. a.) for 15 days.

Major W. G. C. Halkett, Bengal S. C., (m. c.) for two months.

Captain M. C. Barton, R.E., (p. a.) for one month.

Lieutenant H. S. Massy, Bengal S. C., (m. c.) for three months.

LONDON GAZETTE.

No. 578.—The following extracts are published for general information:—

London Gazette, dated the 19th September, 1884, page 4169.

WAR OFFICE;

Pall Mall, 19th September, 1884.

MEMORANDA.

To be Honorary Major on retirement.

Deputy-Commissary and Honorary Captain John Lyons, Bombay Establishment. Dated 8th May, 1884.

To be Honorary Captain on retirement.

Assistant-Commissary and Honorary Lieutenant Martin Corkery, Bombay Establishment. Dated 14th May, 1884.

To be Honorary Captains.

Assistant-Commissaries and Honorary Lieutenants Patrick Carr and John Henry Sharpe, Bengal Establishment. Dated 26th February, 1884.

Deputy-Commissary and Honorary Lieutenant Andrew Forsyth, Bengal Establishment. Dated 17th May, 1884.

To be Honorary Lieutenants.

Deputy-Assistant Commissary Terence O'Brien, Bengal Establishment. Dated 26th February, 1884.

Deputy Assistant-Commissary Thomas Davies Bond, Bengal Establishment. Dated 17th May, 1884.

Deputy Assistant-Commissary Robert Chalmers, Bengal Establishment. Dated 17th May, 1884.

Deputy Assistant-Commissary John Howlett Quilter, Bengal Establishment. Dated 14th June, 1884.

INDIAN STAFF CORPS.

To be removed to the Unemployed Supernumerary List.

General Cranford Trotter Chamberlain, C.S.I., Bengal. Dated 23rd August, 1884.

Lieutenant-General Sir Samuel James Browne, V.C., K.C.B., K.C.S.I., Bengal. Dated 20th September, 1884.

To be General.

Lieutenant-General William Templer Hughes, C.B., Bengal. Dated 23rd August, 1884.

To be Lieutenant-Generals.

Major-General Charles Terrington Aitchison, C.B., Bombay. Dated 23rd August, 1884.
Major-General Sir Charles Henry Brownlow, K.C.B., Bengal. Dated 7th September, 1884.

To be Major-Generals.

Colonel William Robert Houghton, Bombay. Dated 23rd August, 1884.
Colonel Lewis William Buck, Madras. Dated 7th September, 1884.

To be General on the Retired List.

Lieutenant-General Richard Hamilton, C.B., Madras. Dated 23rd August, 1884.

To be Lieutenant-Generals on the Unemployed Supernumerary List.

Major-General William Scott Simpson, Madras. Dated 23rd August, 1884.
Major-General Sir Richard John Meade, K.C.S.I., C.I.E., Bengal. Dated 7th September, 1884.
Major-General John Murray Macgregor, Madras. Dated 7th September, 1884.
Major-General George Holroyd, Bengal. Dated 7th September, 1884.
Major-General John Robert McMullin, Bengal. Dated 7th September, 1884.
Major-General Frederic J. B. Priestley, Madras. Dated 7th September, 1884.
Major-General Frederic Peter Layard, Bengal. Dated 7th September, 1884.
Major-General Alfred Cooper, Madras. Dated 7th September, 1884.
Major-General Arthur Howlett, C.B., Madras. Dated 7th September, 1884.
Major-General George Sligo Alexander Anderson, Bombay. Dated 7th September, 1884.

INDIAN LOCAL SERVICE.

To be Major-Generals.

Colonel William Butler Butler-Shawe, Bengal Infantry. Dated 23rd August, 1884.
Colonel Charles Renny Blair, Bombay Infantry. Dated 7th September, 1884.

To be General on the Unemployed Supernumerary List.

Lieutenant-General Alexander Robert Manson, Bombay Infantry. Dated 23rd August, 1884.

To be Lieutenant-Generals on the Unemployed Supernumerary List.

Major-General Wredenhall Queiros Pogson, Bengal Infantry. Dated 23rd August, 1884.
Major-General Folliott Walker Baugh, Bengal Infantry. Dated 23rd August, 1884.

London Gazette, dated the 30th September, 1884, pages 4282 and 4283.

INDIA OFFICE;
30th September, 1884.

The Queen has approved of the following Promotions among the officers of the Staff Corps and Indian Military Services, made by the Governments in India:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major Charles Kenneth Mackinnon. Dated 20th July, 1884.

To be Major.

Captain Albert de Claney Rennick. Dated 6th July, 1884.

To be Captains.

Lieutenant Harry John Bolton. Dated 17th July, 1884.
Lieutenant Harry Heptinstall Rose Heath. Dated 24th July, 1884.

BREVET.

To be Colonels.

Lieutenant-Colonel Francis Sawbridge Cherry, Madras Cavalry. Dated 3rd May, 1884.
Lieutenant-Colonel Arthur Haldimand Prinsep, Bengal Cavalry. Dated 21st July, 1884.

To be Lieutenant-Colonels.

Major William Douglas Brodie Ketchen, Madras Cavalry, in succession to Major-General C. P. Hildebrand, Bengal Infantry, transferred to the Unemployed Supernumerary List. Dated 10th December, 1883.
Major Harvey Young Murray, Bengal Cavalry, in succession to Colonel (borne as Major-General on the Indian Gradation List) A. B. Marsack, Madras Staff Corps, transferred to the Unemployed Supernumerary List. Dated 16th December, 1883.
Major Adam Wilson Graham, Bengal Infantry, in succession to Major-General J. M. Earle, Bengal Infantry, transferred to the Unemployed Supernumerary List. Dated 16th December, 1883.
Major George Thomas Halliday, Bengal Cavalry, in succession to Lieutenant-General A. W. Lucas, C.B., Bombay Staff Corps, transferred to the Unemployed Supernumerary List. Dated 1st January, 1884.
Major William Henry Beckett, Bengal Infantry, in succession to Major-General F. Schneider, Bombay Staff Corps, transferred to the Unemployed Supernumerary List. Dated 1st January, 1884.
Major Thomas James Quin, Bengal Infantry, in succession to Major-General G. B. Mainwaring, Bengal Staff Corps, transferred to the Unemployed Supernumerary List. Dated 1st January, 1884.
Major Neville Fraser Parker, Bengal Infantry, in succession to Major-General R. M. Macdonald, Madras Staff Corps, transferred to the Unemployed Supernumerary List. Dated 1st January, 1884.
Major Charles Nesbit Hodgson, Bengal Infantry, in succession to Major-General J. C. P. Baillie, Bengal Infantry, transferred to the Unemployed Supernumerary List. Dated 1st January, 1884.
Major (now Lieutenant-Colonel) Willoughby Wallace Hooper, Madras Cavalry, in succession to Colonel (borne as Major-General on the Indian Gradation List) C. S. Elliot, Madras Staff Corps, transferred to the Unemployed Supernumerary List. Dated 14th April, 1884.

PENSIONS.

No. 579.—Conductor Roger John Dennett, Commissariat Department, is transferred to the pension establishment.

PROMOTIONS.

No. 580.—Under the provisions of the Royal Warrant of the 10th November, 1881, the name of Colonel G. H. M. Aynesley, Madras Staff Corps, is placed on the list of Major-Generals on the Indian Gradation List, in consequence of the transfer to the Unemployed Supernumerary List of Major-General C. Dumbleton, Bengal Cavalry, on the 4th August, 1884.

No. 581.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major and Brevet Lieutenant-Colonel Howard James Barton, 26th October, 1884.

BENGAL ARMY.

Cavalry.

To be Lieutenant-Colonel.

Major and Brevet Lieutenant-Colonel George Charles Jackson, 20th October, 1884.

BREVET.

To be Colonel.

Lieutenant-Colonel John Macgregor Kerr, Madras Cavalry, 21st September, 1884.

RESIGNATIONS.

No. 582.—Second Grade Assistant Apothecary Peter Alexander Maybert, Subordinate Medical Department, is permitted to resign the service.

RETIREMENTS.

No. 583.—Deputy Surgeon-General John Edward Tuson, M.D., has been permitted to retire, with effect from the 8th September, 1884, subject to Her Majesty's approval.

No. 584.—Surgeon-Major Thomas Gray Skardon is permitted to retire, with effect from the 31st October, 1884, subject to Her Majesty's approval.

REWARDS.

No. 585.—GOOD SERVICE PENSIONS—

It is notified that on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer a good service pension on the undermentioned officer, with effect from the date specified:—

From the 27th July, 1884, in room of Major-General A. B. Johnson, C.B., Bengal S. C., succeeded to the Colonel's allowance.

COLONEL GEORGE TOMKYNS CHESNEY, ROYAL (LATE BENGAL) ENGINEERS.

Dates of Commissions.

2nd Lieutenant	...	...	8th December, 1848.
Lieutenant	...	...	1st August, 1854.
Captain	...	...	27th August, 1858.
Brevet Major	...	...	28th August 1858.
Major	...	...	5th July, 1872.
Brevet Lieutenant-Colonel		...	14th June, 1869.
Lieutenant-Colonel	...	...	1st April, 1874.
Brevet Colonel	...	...	1st October, 1877.
Colonel	...	...	10th January, 1884.

Appointments.

Regimental duty,—8th December, 1848, to March, 1851.
Assistant Executive Officer, Public Works Department, Punjab.—March, 1851, to March, 1852.
Executive Engineer, Public Works Department, Punjab,—March, 1852, to March, 1856.
Assistant Principal, Thomason College, Roorkee,—March, 1856, to May, 1857.
Brigade Major of Engineers, Delhi Field Force,—May, 1857, to September, 1857.
Assistant Principal, Thomason College, Roorkee,—October, 1857, to June, 1858.
Executive Engineer, North-Western Provinces,—June, 1858, to January, 1859.
Principal, Civil Engineering College, Calcutta,—January, 1859, to 20th January, 1862.
Inspector General, Public Works Accounts, and Under-Secretary to Government, Public Works Department,—21st January, 1862, to 30th April, 1864.
Accountant General, Public Works Department,—1st May, 1864, to 23rd April, 1870.
Deputy Secretary to Government of India, Public Works Department,—17th September, 1869, to 23rd April, 1870.
President, Royal Indian Engineering College, Coopers Hill,—May, 1870, to November, 1880.
Secretary to the Government of India, Military Department,—1st December, 1880, to date.

War Services.

Indian Mutiny, 1857.—Was present at the action of Budlee-ki-Serai, and served as Brigade Major of Engineers throughout the siege of Delhi, being very severely wounded at the assault. Despatches, *London Gazette*, 15th December 1857; medal with clasp, and brevet of Major.

SPECIAL.

No. 586.—In continuation of G. G. O. No. 449 of 1884, the following appointment to the staff of the Zhob Valley Expeditionary Force is sanctioned, with effect from the 10th October, 1884:—

Major A. Gaselee, Wing Commander, 4th Punjab Infantry, to be Assistant Quartermaster General.

MILITARY WORKS DEPARTMENT.

No. 587.—With reference to Foreign Department Notification No. 1293G., dated 1st July, 1884, the services of Captain R. Jennings, R.E., are placed at the disposal of the Military Works Department.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 50.—Commander Alfred Carpenter, R.N., to be Surveyor in charge of the Marine Survey of India, *vice* Commander Dawson, with effect from the 27th October, 1884.

DISMISSALS.

No. 51.—Mr. D. Smith, Assistant Engineer, Indian Marine, is dismissed the service.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 28th October 1884.

No. 261.—Major W. G. Cumming, R.E., Superintending Engineer, 3rd Class, British Burma, is appointed to officiate as Superintending Engineer

and Secretary to the Agent to the Governor General for Rajputana in the Public Works Department.

No. 262.—With reference to Section 4 of the Indian Railway Act, IV of 1879, His Excellency the Governor General in Council is pleased to sanction the use of locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby, on the undermentioned Railways :—

Rohilkhund-Kumaon Railway.

Bareilly-Pilibhit Railway.

The 29th October 1884.

No. 263.—The services of Lieutenant-Colonel W. A. J. Wallace, R.E., having been placed at the disposal of the Public Works Department, he is appointed to act as Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, during the absence on furlough of Lieutenant-Colonel C. H. Luard, R.E., or until further orders.

No. 264.—Mr. J. Macmillan, Executive Engineer, 1st Grade, Bengal, is permitted to retire from the service, with effect from 6th October 1884.

The 30th October 1884.

No. 265.—Colonel B. Lovett, C.S.I., R.E., Superintending Engineer, 3rd Class, temporary rank, Bengal, reverted to his substantive rank of Executive Engineer, 1st Grade, with effect from 23rd October 1884.

The 31st October 1884.

No. 266.—Major E. A. Trevor, R.E., Examiner of Accounts, is, on return from furlough, reappointed Examiner of Accounts, Military Works.

No. 267.—Mr. R. G. Macdonald, Officiating Examiner of Accounts, Military Works, is appointed Inspector of Accounts, Public Works Department.

No. 268.—The services of Mr. J. S. Brown, Executive Engineer, 4th Grade, sub. *pro tem.*, temporarily attached to the Simla Imperial Circle, are replaced at the disposal of the Director General of Railways.

No. 269.—Lieutenant W. Ellis, R.E., Queen's Own Sappers and Miners, Madras, employed on Submarine defence duty at Rangoon, is graded in the Public Works Department as Assistant Engineer, 2nd Grade, Supernumerary.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 45.] SIMLA, SATURDAY, NOVEMBER 8, 1884.

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

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PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

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

Nothing for publication.

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

Oudh Estates Act Amendment Bill, 1884.
Excise Act Amendment Bill, 1884.

SUPPLEMENT No. 45.

PART I.

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

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 7th November 1884.

Programme of His Excellency the Viceroy's arrival in Calcutta.

His Excellency the Viceroy and Governor General will arrive in Calcutta by a special train on Tuesday, the 2nd December 1884, at 3-5 P.M., Railway time.

His Excellency will be received at the Sealdah Railway Station by the Chairman of the Corporation and Commissioner of Police for the Town of Calcutta and the Magistrate of the 24-Pergunnahs, and at Government House by the Lieutenant-Governor of Bengal, Members of His Excellency's Council, the principal Civil and Military Officers, and other Gentlemen who are desirous of attending.

A Guard-of-Honor of the Eastern Bengal Railway Volunteers will be drawn up on the platform of the Sealdah Railway Station and a Guard-of-Honor of Native troops, with Band, outside the Station.

The route taken will be by Lower Circular Road, Dhurrumtolah Street, and Esplanade.

The Body-Guard will form the Escort.

Guards-of-Honor of British Infantry and of the Calcutta Volunteer Rifles, with Band, will be drawn up in front of the Grand Staircase of Government House.

A Viceregal Salute will be fired from the ramparts of Fort William as His Excellency arrives at the Sealdah Station.

Full dress will be worn by Officers entitled to uniform. Gentlemen not entitled to wear uniform will appear in morning dress.

By Command,

H. LEGGE, *Major*,
for *Military Secretary to the Viceroy.*

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 3rd November, 1884.

No. 20.—His Excellency the Viceroy and Governor General, under the authority vested in him by the Statute 24 & 25 Vic., cap. 67, section 10, has been pleased to nominate Mr. H. St. A. Goodrich, of the Madras Civil Service, and Acting Collector and Magistrate of Bellary, to be an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

D. FITZPATRICK,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 7th November 1884.

No. 1853.—The services of Maulvi Muhammad Sami-Ullah Khan, Subordinate Judge of Aligarh, are replaced at the disposal of the Government of the North-Western Provinces and Oudh.

MEDICAL.

The 5th November 1884.

No. 496.—The services of Surgeon H. Armstrong, Civil Surgeon of Hoshungabad, in the Central Provinces, are replaced at the disposal of the Government of Madras.

JUDICIAL.

The 6th November 1884.

No. 1401.—The services of Lieutenant C. G. Parsons, Wing Officer, 28th Punjab Native Infantry, are replaced at the disposal of the Government of India in the Military Department.

POLICE.

The 4th November 1884.

No. 350.—The services of Mr. C. A. Fisher, District Superintendent of Police, Assam, are replaced at the disposal of the Government of Bengal, with effect from the date on which Mr. W. B. Savi takes charge of the Garo Hills Police.

ECCLESIASTICAL.

The 5th November 1884.

No. 173.—*Appointment.*—The Reverend W. H. Gale, B.A., Chaplain of Benares, to be Chaplain of Nowgong, Central India, with effect from the date of his taking over charge.

PATENTS.

The 31st October 1884.

No. 1042.—Specifications of the under-mentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

No. 13 of 1884.—William Richard Sumption Jones, M.I.M.E., Carriage and Wagon Superintendent, Rajputana State Railway, Ajmere, India, for improvements in couplings for combined draw and buffer gear suitable for railway and other vehicles and rolling stock.

No. 24 of 1884.—Ambrose Shere Massey, Civil Engineer and Proprietor of the Napier Works, Madras, for the construction of a punch for erasing Court-fee stamps, and at the same time completely destroying the piece punched out.

No. 26 of 1884.—Thomas Dowling, of No. 8, Bhowanipore, in the Suburbs of the Town of Calcutta, for cleaning or clearing from stones or other obstruction the track or line of the tramways as used in the public streets.

No. 27 of 1884.—Damodardás Jamnadás Tolat, Resident of Surat, at present employed as Spinning Master at Ahmedabad, care of the Guzerat Spinning and Weaving Company, for hand-loom warping machine, a machine or frame constructed of wood or iron for the purpose of preparing or making warps for the hand-looms in India.

No. 34 of 1884.—The Hydro-Carbon Syndicate, Limited, of No. 18, Lawrence Poutney Hill, in the City of London, England, for improvements in the method of burning hydro-carbon oils together with steam or water, and in apparatus therefor.

No. 54 of 1884.—William Gow, of 13, Road Lane, London, England, Indian Tea Broker, for an improved machine or apparatus for effecting the withering and clapping of tea leaf.

No. 59 of 1884.—Frederick Robert Jones, Engineer, Nahan, Sirmoor State, Punjab, for improvements in sugarcane mills.

No. 62 of 1884.—Emile Deriaz, of Lucknow, Watchmaker, for Duplex Railway and ordinary time indicators.

No. 64 of 1884.—George Westinghouse, Junior, of Pittsburg, Pennsylvania, in the United States of America, for an improvement in the connection of pipes for communicating fluid pressure to work brakes on railway trains.

No. 80 of 1884.—Mohesh Chunder Bose, late Assistant Engineer in the Public Works Department, a Government Pensioner, at present resident of Bankipur, for a graduated safety lock.

No. 88 of 1884.—David E. Gostling, Architect, of 47, Apollo Street, Fort, Bombay, for the rapid, cleanly and economical removal of town sweepings, night-soil, and other similar materials and refuse.

No. 90 of 1884.—William Plenderleith Hope, of Edinboro, Scotland, for improvements in, and relating to, the construction of tramways, and in apparatus for facilitating the hauling of vehicles thereon by means of cables or ropes.

No. 101 of 1884.—Henry Hamilton Remfry, of 5, Fancy Lane, in Calcutta, Solicitor and Patent Agent, for improvements in exhaust or blast fans or ventilators, and also in the application of such means for moving large volumes of air, or other fluids.

No. 123 of 1884.—Edward Richard Settle, of Coventry, in the County of Warwick, England, Velocipede Manufacturer, for improvements in tricycles and like velocipedes.

No. 143 of 1884.—Peter Smith Swan, of Calcutta, in the Empire of India, Jute Manufacturer, for improvements in the manufacture of sacking, bagging, or other description of cloth made of jute or other vegetable fibre, and used for making packs, bags, wrappers, or coverings.

No. 144 of 1884.—Alfred Parry, Engineer, residing in Barrackpore, and David M'Laren Morrison, Merchant, residing in Goosery, near Calcutta, for an improved brick mould.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—EXTERNAL.

Simla, the 5th November, 1884.

No. 2892 *E.*—In exercise of the powers conferred by the Assam Frontier Tracts Regulation, 1880, as amended by Regulation III of 1884, the Governor-General in Council is pleased to direct that the Assam Frontier Tracts Regulation, 1880, shall extend to the Khasi and Jaintia Hills District, and to the Garo Hills District, and shall come into force in those Districts from this date.

The boundaries of the Khasi and Jaintia Hills District have been defined in the notifications given below:—

(1) Notification, dated the 29th September, 1866, by the Government of Bengal, published in the *Calcutta Gazette* of the 3rd October, 1866.

(2) Notification No. 1430, dated the 14th September, 1876, by the Government of India in the Home Department, published in the *Gazette of India* of the 16th September, 1876.

(3) Notification No. 774, dated the 3rd April, 1878, by the Government of India in the Home Department, published in the *Gazette of India* of the 3rd April, 1878.

(4) Notification No. 8, dated the 12th June, 1878, by the Chief Commissioner of Assam, published in the *Assam Gazette* of the 15th June, 1878.

(5) Notification No. 60, dated the 1st July, 1880 (amended by Notification No. 25, dated the 25th May, 1883, by the Chief Commissioner, published in the *Assam Gazette* of the 26th May, 1883).

(6) Notification No. 32, dated the 12th April, 1882, by the Chief Commissioner of Assam, published in the *Assam Gazette* of the 22nd April, 1882.

The boundaries of the Garo Hills District have been defined in the notifications given below:—

(1) Notification, dated the 29th August, 1866, by the Government of Bengal, published in the *Calcutta Gazette* of the 29th September, 1866.

(2) Notification dated the 16th July, 1875, by the Chief Commissioner of Assam, published in the *Assam Gazette* of the 14th August, 1875.

(3) Notification No. 774, dated the 3rd April, 1878, by the Government of India in the Home Department, published in the *Gazette of India* of the 3rd April, 1878.

GENERAL.

The 6th November, 1884.

No. 2134 *G.*—The following promotions are made in the Infantry Branch of the Erinpura Irregular Force, with effect from the 30th September, 1884:—

Jemadar Dewa, to be Subadar, *vice* Prema, deceased.

Havildar Dabee, to be Jemadar, *vice* Dewa, promoted.

No. 2138 *G.*—Major W. S. Peat, General List, Bombay Cavalry, is appointed to officiate as 2nd Assistant to the Governor-General's Agent at Baroda, *vice* Captain H. M. Temple, with effect from the date of assuming charge.

No. 2140 *G.*—The following promotions are made in the Deoli Irregular Force, with effect from the 16th October, 1884:—

Cavalry.

Jemadar Jussa Singh, to be Ressaldar, *vice* Nutteh Khan, invalided.

Duffadar Khoseal Singh, to be Jemadar, *vice* Gunda Singh, invalided.

Duffadar Lall Singh, to be Jemadar, *vice* Jussa Singh, promoted.

Infantry.

Jemadar Birth Singh, to be Subadar, *vice* Roopah, invalided.

Jemadar Ramzan Khan, to be Subadar, *vice* Oona Ram, invalided.

Jemadar Sham Singh, to be Subadar, *vice* Seereerama, invalided.

Havildar-Major Noor Khan, to be Jemadar, *vice* Birth Singh, promoted.

Pay-Havildar Girdharee, to be Jemadar, *vice* Ramzan Khan, promoted.

Havildar Soomare Singh, to be Jemadar, *vice* Sham Singh, promoted.

No. 2150 *G.*—Mr. W. A. Ingle, Treasury Officer and Cantonment Magistrate, Quetta, is granted two months' privilege leave, with effect from the 13th October, 1884.

No. 2151 *G.*—Captain F. H. Forjett, 26th Bombay Native Infantry, is appointed to officiate as Treasury Officer and Cantonment Magistrate, Quetta, in addition to his own duties, with effect from the 13th October, 1884, during the absence on privilege leave of Mr. W. A Ingle, or until further orders.

H. M. DURAND,
Offg. Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 5th November 1884.

No. 4357.—Mr. E. W. Kellner, on return from privilege leave, received charge of the office of the Deputy Comptroller General from Mr. T. H. Biggs before noon on the 27th October 1884.

The 6th November 1884.

The following Addendum to the Codes of the Financial Department is published for general information :—

No. 4353.

C. P. C.

PAGE 70.

Section 129.

Add the following to the Note under this Section :—

And the Director General of Telegraphs may exempt from the operation of this Rule all menial and inferior servants belonging to local offices of the Telegraph Department for whom he considers service books unnecessary, rolls such as those prescribed in Section 153 (*a*) for the Police being substituted.

The 7th November 1884.

No. 4409.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to reduce to one anna the stamp duty payable, under Article 50 (*b*) of Schedule I of the said Act, on a proxy executed by a female empowering any person to vote at any one election of members of a Local Board held under the provisions of Bombay Act I of 1884 (The Bombay Local Boards Act, 1884).

No. 4422.—Mr. T. H. S. Biddulph, Assistant Accountant General, North-Western Provinces and Oudh, having been granted privilege leave, availed himself of the leave before noon on the 2nd October 1884, and returned from the leave and resumed charge of his duties before noon on the 27th of the same month.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 7th November, 1884.

APPOINTMENTS.

No. 588.—The local and temporary rank of Brigadier-General is conferred on Colonel J. Browne, C.B., C.S.I., R.E., whilst employed as Superintending Engineer of the Sibi-Quetta Railway.

No. 589.—STAFF CORPS—

The undermentioned officers, appointed by the Secretary of State probationers for the Indian Staff Corps, are posted to the Bengal, Madras and Bombay Staff Corps respectively, with effect from the dates of their arrival in India :—

Bengal.

Lieutenant W. G. Forbes, South Staffordshire Regiment.
Lieutenant E. J. E. Swayne, Welsh Regiment.
Lieutenant J. D. Perkins, Liverpool Regiment.
Lieutenant H. Hudson, Northamptonshire Regiment.

Madras.

Lieutenant A. R. Deane, Royal Munster Fusiliers.
Lieutenant O. G. Jevers, Royal Sussex Regiment.
Lieutenant A. Nicholls, Berkshire Regiment.
Lieutenant S. H. Pelly, Duke of Cornwall's Light Infantry.
Lieutenant W. B. Young, Essex Regiment.
Lieutenant C. E. H. Connell, Oxfordshire Light Infantry.
Lieutenant A. E. Woods, Northamptonshire Regiment.

Bombay.

Lieutenant R. W. Nicholson, 19th Hussars.
Lieutenant W. S. Delamain, Berkshire Regiment.
Lieutenant W. G. Hatherell, Duke of Cornwall's Light Infantry.
Lieutenant E. H. Bernard, Essex Regiment.
Lieutenant T. A. Fischer, Yorkshire Regiment.
Lieutenant G. De S. DeLisle, The Royal Scots.

No. 590.—MEDICAL DEPARTMENT—

Surgeon-Major E. R. Johnson, Medical Officer, 43rd Native Infantry, to officiate as Secretary to the Surgeon-General, Her Majesty's Forces, Bengal, *vice* Surgeon-Major J. E. T. Aitchison, M.D., C.I.E., proceeded on duty with the Afghan Boundary Commission. Dated 1st November, 1884.

No. 591.—PUNJAB FRONTIER FORCE—

5th Punjab Infantry.

Major A. I. Shepherd, Wing Officer, 4th Punjab Infantry, to be Wing Commander, *vice* Lieutenant-Colonel J. Finnis, deceased.

FURLOUGH AND LEAVE.

No. 592.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Major L. H. E. Tucker, General List, Infantry, District Superintendent of Police, 1st grade, Punjab, (p. a.) for one year and 364 days, under rule IX of the regulations of 1868.
Lieutenant G. A. Williams, Bengal S. C., Assistant Military Accountant, (p. a.) for one year, under rule I of the regulations of 1875.

No. 593.—Honorary Lieutenant and Assistant Commissary J. FitzGibbon, Assistant Engineer, 1st grade, Public Works Department, Madras, is granted furlough up to the 22nd November, 1884, in extension of that allowed in G. G. O. No. 495 of 1884.

No. 594.—Sub-Conductor J. H. Brown, Commissariat Department, is granted leave in India (p. a.) for 91 days, under rule X of the regulations of 1875.

No. 595.—The undermentioned officer has been granted an extension of furlough by the Secretary of State for India :—

Captain H. L. Wells, R.E., (u. p. a.) for four months and 17 days.

No. 596.—G. G. O. No. 261 of 1884, granting leave to sea to Major J. H. L. Greenfield, is cancelled.

LONDON GAZETTE.

No. 597.—The following extracts are published for general information :—

London Gazette, dated the 3rd October, 1884, pages 4333 and 4334.

WAR OFFICE;
Pall Mall, 3rd October, 1884.

MEMORANDA.

The undermentioned Lieutenant-Colonels of the Indian Staff Corps to be Colonels :—

Charles Matthew Griffith, Bombay. Dated 8th June, 1884.

Henry Charles Baskerville Tanner, Bombay. Dated 8th June, 1884.

William John Bell, Madras. Dated 8th June, 1884.

John Campbell Gunning, Madras. Dated 9th June, 1884.

Herbert Mills Repton, Bengal. Dated 9th June, 1884.

George Rowlandson, Madras. Dated 9th June, 1884.

Frederick Wheeler, Bengal. Dated 9th June, 1884.

John William Cleland-Henderson, Madras. Dated 9th June, 1884.

Emeric Streatfield Berkeley, Madras. Dated 10th June, 1884.

William Leycester Nathaniel Knyvett, Madras. Dated 10th June, 1884.

Stephen William Barrow Sherman, Madras. Dated 10th June, 1884.

Barnard Hughes Preston, Madras. Dated 10th June, 1884.

Frederick Brown Boone, Madras. Dated 10th June, 1884.

John Upperton, C.B., Bengal. Dated 10th June, 1884.

Hanson Chambers Taylor Jarrett, V.C., Bengal. Dated 10th June, 1884.

George Murray, Madras. Dated 10th June, 1884.

Colin Mackenzie, Madras. Dated 20th June, 1884.

Richard Carruthers Budd, Madras. Dated 20th July, 1884.

Deputy Commissary and Honorary Lieutenant Eugene Donald Hart, Bombay Establishment, to have the honorary rank of Captain. Dated 8th May, 1884.

INDIA OFFICE;
3rd October, 1884.

The Queen has approved of the retirement from the service of the undermentioned officers of Her Majesty's Indian Military Forces :—

Lieutenant-Colonel George Tyndall, of the Madras Staff Corps. Dated 1st September, 1884.

Major Thomas Dawes, of the Bengal Staff Corps. Dated 3rd September, 1884.

Major Charles May Allen Morant, of the Madras Army. Dated 3rd July, 1884.

Deputy Surgeon-General John Edward Tuson, M.D., of the Bengal Army. Dated 8th September, 1884.

Deputy Surgeon-General James Alexander Caldwell Hutchinson, M.D., of the Bengal Army. Dated 28th September, 1884.

Surgeon-Major Rivers Mantell, of the Bengal Army. Dated 16th July, 1884.

BREVET.

The undermentioned officers have been granted a step of honorary rank on retirement :—

To be Colonel.

Lieutenant-Colonel George Tyndall, of the Madras Staff Corps. Dated 1st September, 1884.

To be Lieutenant-Colonels.

Major Thomas Dawes, of the Bengal Staff Corps. Dated 3rd September, 1884.

Major Charles May Allen Morant, of the Madras Army. Dated 3rd July, 1884.

To be Surgeon-General.

Deputy Surgeon-General John James Clarke, M.D., of the Bengal Army. Dated 14th January, 1884.

To be Deputy Surgeons-General.

Brigade-Surgeon William Watson, M.D., of the Bengal Army. Dated 21st December, 1883.

Brigade-Surgeon Theobald Mathew, of the Bengal Army. Dated 24th April, 1884.

To be Brigade-Surgeon.

Surgeon-Major Ferdinand Odevaine, of the Bengal Army. Dated 29th April, 1884.

London Gazette, dated the 7th October, 1884, page 4373.

INDIA OFFICE;
7th October, 1884.

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

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant Philip James Gordon, from the Dorsetshire Regiment. Dated 13th May, 1883, but to rank from 1st July, 1881.

Lieutenant Arthur Blount Cuthbert Williams, from the West Yorkshire Regiment. Dated 15th September, 1882, but to rank from 1st July, 1881.

PROMOTIONS.

No. 598.—The following promotions are made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major William Jackson Parker,—4th November, 1884.

To be Captains.

Lieutenant Peter Robert Bairnsfather,—2nd November, 1884.

Lieutenant Edward James Nicolls Fasken,—2nd November, 1884.

No. 599.—ORDNANCE DEPARTMENT—

Sub-Conductor (Officiating Conductor) Richard Dickson to be Conductor;

Store Sergeant Edwin Kirkpatrick to be Sub-Conductor, on probation,—

with effect from the 18th September, 1884, *vice* Conductor Palmer, pensioned.

No. 600.—COMMISSARIAT DEPARTMENT—

Conductor William Powell to be Deputy Assistant Commissary;

Sub-Conductor Andrew Lyttle to be Conductor;

Sergeant Michael Murphy to be Sub-Conductor,—

with effect from 1st July, 1884, *vice* Deputy Assistant Commissary and Honorary Lieutenant M. Carew, pensioned.

Sergeant Thomas George Cole to be Sub-Conductor, with effect from 1st July, 1884, *vice* Sub-Conductor E. Prince, deceased.

No. 601.—NATIVE ARMY—

2nd Goorkha Regiment.

Jemadar Shere Sing Khuttree to be Subadar;

Havildar Motee Naigy to be Jemadar, *vice* Subadar Hurkeah Ghullay, invalided;

Havildar Mehur Sing Rana to be Jemadar, *vice* Jemadar Jooteah Damie, invalided,—

with effect from 14th August, 1884.

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

No. 602.—In Government General Order No. 569 of 1884, reversion of Lieutenant W. Huskisson, R.E., to Assistant Engineer, 2nd grade, *for* "15th September, 1884" *read* "24th September, 1884."

MARINE DEPARTMENT.

LEAVE.

No. 52.—Navigating-Lieutenant T. C. Pascoe, R.N., Assistant Surveyor, 1st class, Marine Survey of India, is granted twelve months' furlough, under the provisions of section 50, chapter V, Civil Leave Code.

RESIGNATIONS.

No. 53.—Mr. A. Avron, Assistant Engineer, Indian Marine, is permitted to resign the service.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

CALCUTTA, THE 3RD NOVEMBER, 1884.

Statement of Deposits on account of Estates from the 21st October to the 3rd November, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
British Military Service.					Rs. A. P.		
Charles Carnegie Thackeray. (*a*)	Lieutenant ...	The Cheshire Regiment.	23rd June, 1884	Intestate	1,371 9 7	...	2nd January, 1885

(*a*) *Next-of-kin.*—*Father*—Captain Thackeray, No. 13, Earl's Court Square, Kensington

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 5th November 1884.

No. 1036R.T.

RESOLUTION—By the Government of India, Public Works Department.

New Indian Railway Bill.

Read—

Railway Despatch No. 161, dated the 3rd November 1884, to Her Majesty's Secretary of State for India, and enclosure.

OBSERVATIONS.—The necessity for consolidating and amending the law relating to Indian Railways has at various times been under the consideration of the Government of India, and the question came more especially into prominence in 1882, owing to the extension of railways by private enterprize, which then for the first time took place.

2. The existing law relates chiefly to the conditions of the working of open lines of railways as between the several Railway Administrations and the public. With a view, however, to facilitate the preliminary negotiations for, and the eventual completion and working of, railway undertakings promoted by private enterprize, and also to afford securities of various kinds which appear desirable in the interest of the general public, the Government of India desires to embody in a general Act for Indian Railways the various provisions defining those obligations of a Railway Company towards Government as well as towards the public, in constructing and working a line of railway, which general experience has proved to be desirable.

3. In this view a draft Bill has been prepared, which embodies—

(1) the existing Indian Railway Acts;

(2) such of the provisions of the English Railway Acts or Bills as seem suitable to the circumstances of India;

(3) those provisions of the existing contracts with guaranteed and other Indian Railway Companies which are of general application, and not special to the particular railway to which the contract relates.

4. The Government of India has further noticed, in connection with the large increase in the interchange of railway traffic which has of late years occurred, and which is likely to develop itself still further with the growth of the Indian railway system, the necessity for facilitating a reference to arbitration when differences or disputes arise between two or more railway administrations. To meet this want, provision has been made detailing the proceedings to be followed in arbitration, and including a power to enforce a reference to arbitration in cases where the continuance of a dispute is likely to be prejudicial to the interests of the public.

RESOLUTION.—Resolved that the rough draft referred to in the above observations be circulated in its present preliminary shape, and prior to its consideration in detail by the Legislative Department of the Government of India, to the various Local Governments, Chambers of Commerce, and Railway Administrations in India; and that those authorities be invited to express, and communicate to the Government of India, their opinions on the various provisions in the Bill.

2. The Government of India hopes to derive, in its further consideration of the Bill, great assistance from the views and criticisms hereby invited, and requests that they may be submitted at the earliest possible date, in order that there may be no unnecessary delay in the introduction of a suitable draft of the Bill.

ORDER.—Ordered, that this Resolution, together with the draft Railway Bill, be communicated to the Governments, Administrations, Officers, and Chambers of Commerce named in the margin for information and guidance; and to the several Departments of the Government of India.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners, Central Provinces, Assam, and British Burma.
The Residents, Hyderabad and Mysore.
The Agents to the Governor General for Rajputana, Central India, and Biluchistan.
The Consulting Engineers to the Government of India for Guaranteed Railways.
The Director General of Railways.
The Accountant General, Public Works Department.
The Chambers of Commerce, Madras, Bombay, Calcutta, Karachi, and Rangoon.

Ordered also, that this Resolution and the draft Railway Bill be published in the *Gazette of India* for general information.

DRAFT INDIAN RAILWAY BILL.

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59. Power of Government on occasions of emergency to take possession of railways.

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October 1884.

DRAFT.

INDIAN RAILWAY BILL.

CHAPTER I.

PRELIMINARY.

1. *(1)* This Act may be called the Indian Railway Act, 188 . [IV of 1879, sec. 1.]

Short title, local extent and commencement.

(2) It extends to the whole of British India and, so far as regards subjects of Her Majesty the Empress of India, to the dominions of Princes and States in India in alliance with Her said Majesty; and

(3) It shall come into force on the day of .

2. *(1)* On and from that day, the Acts specified in the first schedule hereto annexed shall be repealed. [IV of 1879, sec. 2, in part.]

Repeal of Acts.

(2) But all rules made, notifications published and powers conferred under any of these Acts, or under any enactment thereby repealed, shall, so far as they are consistent with this Act, be deemed to have been respectively made, published and conferred under this Act.

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

Definitions.

(1) "Railway" means a railway for the public conveyance of passengers or goods; and includes— [IV of 1879, sec. 3 (modified).]

(*a*) all land within the fences or other boundary-marks prescribed under section 20;

(*b*) all lines of rail, sidings or branches worked over for the purposes of, or in connection with, a railway;

(*c*) all stations, offices, warehouses, manufactories, fixed machinery and other works constructed for the purposes of, or in connection with, a railway;

(*d*) all collieries, quarries, mines, wharves, piers, or jetties, in or on which is any railway siding; and

(*e*) all vessels and rafts used for the purpose of carrying on the traffic of a railway.

For the purpose of section 3, sub-sections (3) and (4), section 7, the whole of Chapters II, III, IV and V, sections 33, 34, 35, 67, 100, 109 to 132 (both inclusive), 135, 137, 139, sub-section (1), 141 to 150 (both inclusive), 160 to 167 (both inclusive), 170, 174, 175, 176, 184 to 190 (both inclusive), 192 to 196 (both inclusive), and the whole of Chapters XIII and XIV, "railway" includes a railway under construction and a railway not used for the public conveyance of passengers or goods.

[New.] *(2)* "Inspector" means any Inspector of railways appointed under this Act.

[IV of 1879, sec. 3 (modified).] *(3)* "Railway administration" means, in the case of a railway under construction or being worked by Government, or a Native State, the Manager of the railway, and in the case of a railway under construction or being worked by a Company or private individual, that Company or individual.

[IV of 1879, sec. 3.] *(4)* "Railway-servant" means any person employed by a railway administration to perform any function in connection with a railway, and in section 165, sub-section (2), sections 166, 167, 181 and 186, includes any person employed to perform any such function by any other person in execution of a contract into which he has entered with a railway administration.

[34 & 35 Vic., c. 78, sec. 2 (modified).] *(4)* "Railway company" means any company empowered to construct, maintain, or work a railway, and includes, except when otherwise expressed, any individual or individuals who are owners or lessees of a railway or parties to an agreement for working a railway.

[New.] [cf. 8 Vic., c. 16, sec. 2.] *(5)* "Special agreement" means any agreement made, before the passing of this Act, by the Secretary of State in Council or by the Governor General in Council with any railway company, with reference to the construction, maintenance or working of a railway; and any such agreement made after the passing of this Act and applying or excluding any of the provisions of this Act.

[8 & 9 Vic., c. 20, sec. 3.] *(6)* "Lease" includes an agreement for a lease.

[8 & 9 Vic., c. 20, sec. 3.] *(7)* "Toll" includes any rate, charge or other payment payable for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on any railway.

[35 & 36 Vic., c. 50, sec. 2 (modified).] *(8)* "Rolling-stock" includes locomotive stock.

[8 & 9 Vic., c. 20, sec. 3.] *(9)* "Goods" includes things of every kind conveyed on any railway.

[New.] *(10)* "Mails" shall have the same meaning as in the Indian Post Office Act for the time being in force.

[New.] *(11)* "Director General of the Post Office" includes any officer of the Post Office authorized by the Director General of the Post Office to act in his behalf for all or any of the purposes of this Act.

[cf. 5 & 6 Vic., c. 55, sec. 20. 7 & 8 Vic., c. 85, sec. 12. 16 & 17 Vic., c 69, sec. 18.] *(12)* "Her Majesty's forces" includes any officer or man of Her Majesty's regular, auxiliary, or reserve forces, or any officer or man of Her Majesty's navy, naval coast volunteers, or any other officer or man under the command or superintendence of the Admiralty, or any officer or man of the police force.

[cf. 5 & 6 Vic., c. 55, sec. 20. 7 & 8 Vic., c. 85, sec. 12. 16 & 17 Vic., c. 69, sec. 18.] *(13)* "Proper authority" in relation to any of Her Majesty's forces means the Department of the State or other authority empowered to direct or sanction the movement of any such officer or man.

[New.] **4.** This Act shall apply to every railway company except so far as its provisions are inconsistent with the special agreement.

Application of Act to railway companies.

[New.] cf. 26 & 27 Vic., c. 92, secs. 30 to 33.] **5.** This Act shall, unless there is something repugnant in the sense or context, apply to all steam vessels or ferries which any railway administration may be authorized by the Governor General in Council, or by the special agreement, to build, buy or hire, or to use, maintain and work, or to enter into arrangements for using, maintaining and working.

Application of Act to steam vessels and ferries.

[IV of 1879, sec. 54.] **6.** The Governor General in Council may, by notification in the *Gazette of India*, extend this Act or any portion thereof to any tramway worked by steam.

Power to extend Act to steam tramways.

[IV of 1879, sec. 53.] **7.** The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare what Government or other authority shall be deemed to be, for the purposes of this Act, the Local Government in respect of the whole or any part of a railway.

Power to declare Local Government in respect of any railway.

CHAPTER II.

INSPECTORS OF RAILWAYS.

[34 & 35 Vic., c. 78, sec. 3 (modified).] **8.** *(1)* The Governor General in Council may, from time to time, appoint persons, by name or by virtue of their office, to be inspectors of railways.

Appointment and duties of Inspectors.

(2) The duties of an Inspector of railways shall be—

(a) To inspect a railway or portion thereof with a view to determine whether it is fit to be opened for public traffic, and to report thereon to the Governor General in Council, as required in section 35.

(b) To make such periodical or other inspections of any railway, or portion thereof, or of any rolling-stock, as the Governor General in Council may from time to time direct.

(c) To make inquiry into the cause of any accident under section 151.

(d) To perform such duties, in connection with the inspection and supervision of railways, as are imposed on him by this Act, or as the Governor General in Council may by general or special order direct or authorize him to perform.

[IV of 1883, sec. 2 in part (modified).] **9.** Every Inspector shall, for the purpose of any inspection which he is required or authorized to conduct, be deemed to be a public servant within the meaning of the Indian Penal Code, and shall, subject to the control of the Governor General in Council, have the following powers, namely:—

Powers of Inspectors.

(a) he may enter on and inspect any railway or portion thereof or any rolling stock used thereon;

(b) he may, by an order in writing under his hand, require the attendance of any person who is engaged in the management, construction, or working of a railway, whom he thinks fit to call before him and examine for the said purpose, and may require any such person to answer, or furnish returns regarding, such inquiries for the said purpose as he thinks fit to make;

(c) he may require and enforce the production of all books, papers and documents belonging to or in the possession of any railway administration which in his opinion are necessary for the said purpose.

[IV of 1883, sec. 2 in part.] **10.** Every railway administration whose railway or rolling-stock is being inspected under this Act shall afford to the Inspector all reasonable facilities for making the inspection.

Facilities to be afforded to Inspectors.

CHAPTER III.

CONSTRUCTION AND EQUIPMENT OF RAILWAYS.

General conditions and selection of line.

[New.] **11.** Subject to the provisions of this Act, the Governor General in Council may—

General power to construct, maintain and work railways.

(1) himself construct, maintain or work any line or lines of railway for the conveyance of passengers or goods, or both; or

(2) by agreement with any railway company authorize that company either on its own behalf or on behalf of the Government of India or of any other railway company to construct, maintain or work any line or lines of railway for the conveyance of passengers or goods, or both.

New.] **12.** Every railway administration authorized to construct a line of railway shall, unless the Governor General in Council in any case otherwise direct, absolutely follow the maxima and minima moving and fixed dimensions laid down from time to time by the Governor General in Council, for general adoption on any gauge, and shall follow such standard for the weight of rails, strength of bridges and general structural character of all works, up to rail level inclusive, as the Governor General in Council may from time to time prescribe.

Standard dimensions to be followed.

[New.] [Similar, B. C. Ry., cl. 2. B. & N.-W. Ry., cl. 4. S. M. Ry., cl. 4. Gd. Rys., cls. 1 & 2.] **13.** *(1)* When a railway administration is authorized by the Governor General in Council to construct any particular line of railway, the gauge, route and direction of the railway shall be such as is selected and determined by the Governor General in Council.

Selection of line.

(2) The Governor General in Council may from time to time alter the route or direction so determined or extend or limit the same as he may think fit, subject to this qualification, that, if the alteration is made after the railway has been commenced in a previously selected route or direction, the expense of, and incident to, the alteration shall be adjusted as may be determined by mutual agreement between the Governor General in Council and the railway administration.

Land.

[Gd. Ry. Contracts, cl. 3 (modified).] [Similar, B. C. Ry., cl. 4. B. & N.-W. Ry., cl. 7. S. M. Ry., cl. 7.] **14.** All land from time to time required for the purposes of a railway shall be acquired by the Governor General in Council, and possession thereof shall be given to the railway administration on such terms as may be mutually agreed upon between the Governor General in Council and the railway administration.

Land.

Do. do. **15.** Where a railway administration has obtained possession of land which is not permanently required for the purposes of the railway it shall, as soon as practicable, restore the land.

Surplus land.

[8 & 9 Vic., c. 20, s. 77.] **16.** A railway administration shall not, except by virtue of an express stipulation to that effect, be entitled to any minerals under any lands acquired by it, other than such minerals as it may be necessary to dig or carry away or use in the construction of the railway works.

Rights to minerals.

Works.

[B. C. Ry., cl. 5 (modified). [Similar, B. & N.-W. Ry., cl. 3. S. M. Ry., cl. 3. Gd. Rys., cl. 4.] **17.** Every railway administration shall, on receiving possession of the land required for the purposes of the railway, proceed with diligence in the construction thereon of the authorized lines and of all such works as may be necessary or expedient, either for the original construction of the lines and the working thereof, or for their permanence and protection from injury by inundation or from any other cause.

Prosecution of works.

[B. & N.-W. Ry., cl. 5 (modified).] [Similar, B. C. Ry., cl. 2. S. M. Ry., cl. 5. Gd. Rys., cl. 4.] **18.** The Governor General in Council may from time to time determine the situation, arrangement and dimensions of all stations, station-yards, and works to be constructed in connection with, or as part of, any railway, and also of any junctions which any railway administration may at any time, with the sanction of the Governor General in Council, make between its own and any other railway.

Situation of stations, &c.

Works for the accommodation of lands adjoining a railway.

[8 & 9 Vic., c. 20, s. 68 (in part).] **19.** *(1)* Every railway administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway (that is to say):—

Accommodation works.

(a) Such and so many convenient gates, bridges, arches, culverts and passages over, under, or by the sides of, or leading to, or from the railway as may, in the opinion of the Governor General in Council, be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made; and

(b) All necessary arches, tunnels, culverts, drains, or other passages, either over or under or by the sides of the railway, of such dimensions as will, in the opinion of the Governor General in Council, be sufficient at all times to convey the water as freely from the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be.

(2) The works specified in clause *(a)* shall be made forthwith after the part of the railway passing over such lands has been laid out or formed, or during the formation thereof.

(3) The works specified in clause *(b)* shall be made from time to time as the railway works proceed.

Provided as follows:—

(i) a railway administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, nor to make any accommodation works with respect to which the owners or occupiers of the lands have agreed to receive and have been paid compensation instead of the making them;

[8 & 9 Vic., c. 20, s. 73, (modified).]

(*ii*) a railway administration shall not be compelled to defray the cost of executing any further or additional accommodation works for the use of owners and occupiers of land adjoining the railway after five years from the opening of the railway, or the portion thereof passing through such land, for public traffic.

Level-crossings, fences, &c.

[IV of 1879, sec. 52 (modified).]

Level-crossings, fences, gates and bars.

20. The Governor General in Council, or the Local Government with the previous sanction of the Governor General in Council, may, from time to time, make rules requiring,—

(*a*) that boundary-marks or fences be provided for any railway or any part thereof, and for roads constructed in connection therewith;

(*b*) that suitable gates, bars, stiles or handrails be erected, and that convenient ascents and descents and other convenient approaches be made, at places where any railway crosses a road on the level; and

(*c*) that persons be employed to open and shut such gates or bars;

and may by such rules determine what kind of fences shall, for the purposes of section 186, be deemed to be suitable for the exclusion of cattle.

Over and under bridges.

[26 & 27 Vic., c. 92, s. 7 (in part).]

Power to order over and under bridges.

21. Where a railway administration has constructed, or is authorized to construct, a railway across any turnpike road or public carriage road on the level, the Governor General in Council, or the Local Government with the previous sanction of the Governor General in Council, may, if it appears to them necessary for the public safety, at any time require the railway administration, within such time as the Governor General in Council or the Local Government directs, and at the expense of the railway administration, to carry the turnpike road or public carriage road either under or over the railway by means of a bridge or arch, with convenient ascents and descents and other convenient approaches, instead of crossing the same on the level, or to execute such other works as, under the circumstances of the case, may appear to the Governor General in Council, or the Local Government with the previous sanction of the Governor General in Council, best adapted for removing or diminishing the danger arising from the level-crossing.

Equipment of rolling-stock.

[B. & N.-W. Ry., cl. 14.] [Similar, B. C. Ry., cl. 6. S. M. Ry., cl. 8. Gd. Rys., cl. 8.]

Equipment with rolling-stock.

22. Every railway administration shall with reasonable speed equip its railway, when constructed, with rolling-stock, plant and machinery of good quality and adequate in quantity to work the railway.

Default by company.

Power to resume railway in case of default by company.

23. *(1)* If a railway company makes default—

[B.C. Railway Contract, cls. 43-44 (modified).] [Similar, B. & N.-W. Ry., cls. 55 & 59. S. M. Ry., cls. 65 to 68. Gd. Ry., cl. 23.]

(*a*) in raising or paying the money required for the construction of any railway which it is authorized to construct, or

(*b*) in the due application of any money drawn by it out of any money paid into the Bank of England or a Government treasury in pursuance of the special agreement, or

(*c*) in the execution of any works which it is bound under the special agreement to execute, or

(*d*) in complying with any other provision of the special agreement,

the Governor General in Council may give the Company six months' notice of his intention to determine the interest of the Company in the railway, and, unless default is made good before the expiration of the said six months, may, on or at any time after the expiration thereof, take possession of the railway and of the rolling-stock, plant and stores belonging or appropriated thereto, and thereupon the property of which possession is so taken shall vest in Her Majesty free from all debts and liabilities affecting the same.

(*2*) If possession is taken under this section, the Governor General in Council shall be liable to pay to the Company within six months from the date of taking possession—

(*a*) if no receipts have then been entered in the capital account of the Company, the amount of the expenditure of the Company as entered in that account and certified by the Governor General in Council;

(*b*) if any receipts have then been so entered, the ultimate certified excess of the said expenditure over the said receipts;

and, in either case,—

(i) the value (to be ascertained by arbitration in case of difference) of the stores of which possession is so taken; and

(ii) so much (if any) of the money paid by the Company into the Bank of England or a Government treasury as may not have been drawn out by the Company:

Provided that, if the power of taking possession is exercised after the railway is opened for traffic, there shall be deducted from the money payable by the Governor General in Council under this section the amount (to be ascertained by arbitration in case of difference) requisite to place the railway in a fair working condition and to render its equipment with rolling-stock, plant, machinery and boats reasonably adequate both in quantity and quality to the amount charged in the capital account for such equipment.

(*3*) When possession of a railway is taken under this section, the obligations of the parties to the special agreement under any of the provisions thereof shall cease; but nothing in this section shall exempt either party from liability for any previous breach of the special agreement, or deprive the Governor General in Council of any right to recover from the Company any amount payable to or by the Company, or from applying in or towards satisfaction of any amount so payable any money which he may receive from the Company under this section.

CHAPTER IV.

TELEGRAPHS.

Lines worked by Railway Administration.

[B. C. Ry. Contract, cl. 16 (modified).] [Similar, B. & N.-W. Ry., cl. 10.]

Telegraph requirements of railway administration.

24. All such electric telegraph wires and telegraphic appliances as may be required for the purposes of a railway shall be provided and maintained by the Governor General in Council, and the railway administration shall have the exclusive use thereof whilst it works the railway.

S. M. Ry., cl. 11. Different, Gd. Rys., cl. 4.]

[B. C. Ry. Contract, cl. 16 (modified).]

Working of telegraphs by railway administration.

25. *(1)* The working of such telegraphs and telegraphic appliances as are provided for the use of the railway administration under the last preceding section shall be exclusively in the hands of the railway administration and at its cost; and the railway administration shall work such telegraphs in accordance with the rules which the Governor General in Council may, from time to time, lay down for observance under the powers conferred upon him by the Indian Telegraph Act for the time being in force.

[Similar, B. & N.-W. Ry., cls. 10 & 11. S. M. Ry., cls. 11 & 12.]

[I of 1876.]

(*2*) The railway administration shall pay such charges of the Government Telegraph Department, for rent, maintenance and inspection of the telegraphs and telegraphic appliances provided for its use, as the Governor General in Council may, from time to time, prescribe.

Lines worked by the Government Telegraph Department.

[B. C. Ry. Contract, cl. 15.] [Similar, B. & N.-W. Ry., cl. 9. S. M. Ry., cl. 10.]

Power to construct and work Government telegraphs on railways.

26 *(1)* The Governor General in Council may construct, maintain, use and work, as his own property, such electric telegraphs and telegraphic appliances as he may think fit upon the land of any railway or upon any part or parts thereof.

(*2*) The Governor General in Council may, for such purposes, at all reasonable times, by his agents, workmen or others, enter on any line of railway or any part of any such line, and erect, maintain make, execute and do thereon all such buildings, machinery, works, acts and things as the Governor General in Council may consider necessary or proper, in relation to the construction, maintenance, use and working of any such telegraphs and telegraphic appliances.

(*3*) The Governor General in Council shall not, in respect to such matters or any of them, be subject to the control or interference of any railway administration.

(*4*) All buildings, machinery, works and appliances erected on, or brought on to, any railway, under or for the purposes of this section, by, or on behalf of, the Governor General in Council, shall be and remain the property of Her Majesty.

General.

[B. C. Ry., cl. 15.] [Similar, B. & N.-W. Ry., cl. 9. S. M. Ry., cl. 10.]

Free passes.

27. Every railway administration shall at all times furnish the Governor General in Council with such free passes as he may require for persons employed by him in or about or in connection with the erection, maintenance, working or inspection of the telegraphs and telegraphic appliances along its line of railway.

[New.]

Free carriage of maintenance stores.

28. Every railway administration shall carry free of charge over its railway all maintenance stores of the Government Telegraph Department necessary for the maintenance of the telegraph lines and offices on the railway.

[New.]

Removal of vegetation, &c., for proper insulation.

29. The Director General of Telegraphs, or any officer of the Government Telegraph Department authorised by him in that behalf, may cut down and remove, or otherwise deal with, all trees, branches of trees, grass or other vegetation, along any line of railway, which in his opinion are likely to interfere with the proper insulation of the telegraph wires:

[New.]

Provided that, if such trees, branches of tree, grass or other vegetation are on lands adjoining the railway but not in the possession of the railway administration, full compensation shall be paid to the owners and occupiers of the lands for any loss, injury or inconvenience sustained by them respectively by reason of such removal; the amount of which compensation, in case of any dispute about the same, shall be settled by arbitration.

CHAPTER V.

RAILWAY POLICE.

[B. C. Ry., cl. 17, in part (modified).] [Different, B. & N.-W. Ry., cl. 12. S. M. Ry., cl. 18.]

Governor General in Council to provide and maintain police.

30. It shall be the duty of the Governor General in Council to provide and maintain for the purposes of any railway, whether under construction or open for traffic, a proper force of police.

[New. cf. sec. 74 (2) of XIII of 1884.]

Establishment, pay, pensions, &c., of police.

31. The establishment of such railway police shall consist of such number of officers and rate, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the Governor General in Council, after consultation with the Magistrate of the district, the Inspector General of Police and the railway administration, may, from time to time, direct:

[S. of S.'s No. 119 Financial, dated 30th April 1884 (in part).]

Provided that the Governor General in Council may at any time employ temporarily any additional police which he may deem necessary in the interests of law and order.

[S of S.'s No. 119 Financial, dated 30th April 1884 (in part).]

Division of cost of police.

32. The cost of all railway police, whether provided for the maintenance of law and order, or for the protection of railway property, shall be shared by the Governor General in Council and the railway administration in the ratio of 3 to 7.

CHAPTER VI.

OPENING OF RAILWAYS FOR PUBLIC TRAFFIC.

Notice of intention to open, and report by Inspector.

[IV of 1883, sec. 2, in part (modified).]

Railway when to be opened.

33. A railway, or portion or extension of, or addition to, a railway, shall not be opened for the public conveyance of passengers or goods until one month after the railway administration has given to the Governor General in Council notice in writing of the intention of opening the same, nor until the Governor General in Council has by order sanctioned the opening of the same:

Provided that the Governor General in Council may in any case, if he thinks fit, reduce the period of, or dispense with, the notice of intention to open a railway required under this section.

[New.]

Notice of intention to open.

34. At the time of giving notice of intention to open a railway, or portion or extension of, or addition to, a railway, the railway administration shall submit to the Inspector duplicate copies of all such information and of all such details of the construction of the railway as the Governor General in Council may, from time to time, require to accompany such notice.

[IV of 1883, sec. 2, in part (modified).]

Sanction not to be given until after report by Inspector.

35. *(1)* The sanction referred to in section 33 shall not be given until the Inspector has, after inspection of the railway, portion, extension or addition, as the case may be, reported to the Governor General in Council—

(*a*) that he has made a careful inspection of the line, works and rolling-stock;

(*b*) that the maxima and minima moving and fixed dimensions laid down by the Governor General in Council have not been infringed;

(*c*) that the weight of rails, strength of girder bridges and general structural character of the works up to rail level inclusive, are in accordance with the prescribed standard;

(*d*) that the line is sufficiently supplied with rolling-stock; and

(*e*) that the opening of the railway, portion, extension or addition, as the case may be, to public traffic in passengers or goods, will not in his opinion be attended with danger to the public using it or to the railway servants.

[IV of 1883, sec. 2 in part (modified).]

(2) Notwithstanding anything in this section, the Governor General in Council may, in any particular case or in any particular class of cases, by special order, confer on an Inspector power to sanction the opening to public traffic of a railway, portion, extension or addition, if in that officer's opinion the opening of the same will not be attended with danger to the public using it or to the railway servants.

[IV of 1883, sec. 2 in part.]

(3) In such case it shall not be necessary to make the report required by sub-section (1); but the Governor General in Council may, by order, cancel the sanction given under sub-section (2), or direct that the sanction shall be subject to such conditions as he thinks fit.

[IV of 1883, sec. 2 in part.]

(4) The sanction given under this section may be either absolute or subject to such conditions as the Governor General in Council, or the Inspector, as the case may be, thinks necessary for the safety of the public.

[IV of 1883, sec. 2 in part.]

(5) When sanction for the opening of any railway, or portion or extension of, or addition to, any railway is given subject to conditions, and the railway administration fails or neglects to fulfil, or comply with, those conditions, the sanction shall on the failure or neglect forthwith be deemed to be void, and the railway, or portion, or extension, or addition, as the case may be, shall not be used unless and until sanction is again obtained under this section for the opening thereof.

Subsequent Closure and Re-opening.

[IV of 1883, sec. 2 in part (modified).]

Material alterations necessitate fresh sanction for opening.

36. *(1)* Where a railway administration makes an alteration in any portion of its railway, previously opened for public traffic, and the alteration in any way materially affects the structural character of the railway below rail level, the railway administration shall give notice thereof to the Inspector.

(2) If the Inspector considers that the alteration is such as to cause danger to, or affect the safety of, passengers carried thereon or the railway servants, the portion so altered shall not be used for the public conveyance of passengers or goods unless and until sanction is obtained, in accordance with the provisions of section 35, for the opening of it.

[IV of 1883, sec. 2 in part (modified).]

Governor General in Council empowered to close railway.

37. When, after inspecting any railway or portion of a railway, or any rolling-stock used thereon, the Inspector reports to the Governor General in Council that in his opinion the use of the railway or portion or of any specified rolling-stock will be attended with danger to the public using it or to the railway servants, the Governor General in Council may, by order, direct that the railway or portion be closed for the public conveyance of passengers or goods, or that the rolling-stock so specified shall no longer be used, as the case may be.

[IV of 1883, sec. 2 (modified).]

Re-opening of railway.

38. *(1)* When a railway or portion of a railway has been closed under section 37, it shall not be re-opened for the public conveyance of passengers or goods unless and until it has been inspected, and its opening sanctioned, in accordance with the provisions of section 35.

[IV of 1883, sec. 2.]

(2) When the Governor General in Council has directed under section 37 that any rolling-stock shall not be used, the rolling-stock shall not be used unless and until the Inspector reports that it is fit for use and the Governor General in Council sanctions its use.

CHAPTER VII.

OBLIGATIONS RELATING TO THE PUBLIC SERVICE.

(A) Conveyance of Mails by railway.

[1 & 2 Vic., c. 98, sec. 1. 7 & 8 Vic., c. 85, sec. 11. 10 & 11 Vic., c. 85, sec. 16.]

Director General of the Post Office may require conveyance of mails.

39. The Director General of the Post Office may, subject to the general control of the Governor General in Council, by notice in writing delivered to any railway administration, require that any mails shall, after the opening of the railway to public traffic and from and after the day to be named in any such notice, be conveyed and forwarded by the railway administration on its railway, either by the ordinary passenger or goods trains, or by special trains, as need may be, and either with or without any guards appointed and employed by the Director General of the Post Office in charge thereof and any other officers of the Post Office.

[New.]

One mail train daily to serve postal arrangements.

40. The Governor General in Council may at any time require that a railway administration shall cause at least one passenger train each way daily to be so timed as to conveniently serve the postal arrangements of the empire; such train to be termed a mail train.

[1 & 2 Vic., c. 98, sec. 1. 7 & 8 Vic., c. 85, sec. 11. 10 & 11 Vic., c. 85, sec. 16.]

Railway administration to receive, convey and deliver mails.

41. *(1)* Every railway administration shall, from and after the day named in the notice referred to in section 39, provide sufficient carriages and engines on its railways for the

conveyance of the mails to the satisfaction of the Governor General in Council, and receive, take up, and convey, by such ordinary or special trains or otherwise, as need may be, all such mails as may for that purpose be tendered to it, or any of its officers, servants or agents, by any officer of the Post Office, and also receive, take up and convey, in and upon the carriages carrying such mails, the guards in charge thereof, and any other officers of the Post Office.

(2) Every railway administration shall receive, take up, deliver and leave the mails, guards and officers at such places in the line of the railway, and subject to all such reasonable regulations and restrictions, as the Governor General in Council may, in that behalf, from time to time, order or direct.

[1 & 2 Vic., c. 98, sec. 1. 7 & 8 Vic., c. 85, sec. 11. 10 & 11 Vic., c. 85, sec. 16 (modified).]

Speed and timing of trains carrying mails.

42. A railway administration shall not, except in case of absolute necessity or with the previous consent of the Director General of the Post Office, make any alteration in the rate of speed, or in the places, times and duration of stoppages, of any train by which the mails are conveyed, until the expiration of one month after notice of any such intended alteration has been given to the Director General of the Post Office.

[31 & 32 Vic., c. 119, sec. 36.]

Special trains exclusively for Post Office.

43. Where, in pursuance of any notice under this chapter, the mails are conveyed and forwarded by any railway administration on its railway by a special train, the Director General of the Post Office may, by notice in writing, require that the whole of that special train shall be appropriated to the service of the Post Office exclusively of all other traffic except such as he may sanction.

[1 & 2 Vic. c. 98, sec. 3 (modified).]

Provision of standard postal compartments and vans.

44. Every railway administration shall, on being required so to do by the Director General of the Post Office, provide and furnish (either in addition to, or in substitution for, the carriages aforesaid, as the Director General of the Post Office may direct) a separate compartment or separate compartments, of a standard size, to be from time to time approved by the Governor General in Council, for each railway or class of railways, or a separate van or separate vans, of a standard size and wheel base, to be from time to time approved by the Governor General in Council, for each railway or class of railways, and shall fit up every such compartment or van in such manner as the Director General of the Post Office may, from time to time, direct, for the purpose of collecting, sorting and distributing the mails.

[1 & 2 Vic., c. 98, sec. 3 (modified).]

Use of standard postal compartments and vans.

45. Every railway administration shall forward any such standard compartment or van by such trains and subject to all such reasonable regulations as the Director General of the Post Office may, in that behalf, direct; and every railway administration shall receive, take up and convey in any such compartment or van all such mails, guards and other officers of the Post Office as the Director General of the Post Office may reasonably require, and shall deliver and leave any mails, guards and other officers of the Post Office at such places on the line of the railway as the Director General of the Post Office may, in that behalf, from time to time, reasonably direct:

Provided that the total weight of the mails which, and of the guards or other officers of the Post Office who, may under this section be required to be carried over any railway or portion thereof in any such standard compartment or van shall in no case, without the consent of the railway administration, exceed the net load allowed to be carried in other similar vehicles used for public traffic on the railway. [New.]

[1 & 2 Vic., c. 98, sec. 5.]

Instructions of Director-General of the Post Office regarding conveyance of mails to be observed.

46. Every railway administration by whom any mails are required to be conveyed, and its officers, servants and agents, shall obey, observe and perform all such reasonable regulations respecting the conveyance, delivering and leaving of the mails, and of the guards and officers of the Post Office, on its railways, as the Director General of the Post Office may, in his discretion, from time to time, give or make:

Provided that no officer or servant of the Post Office shall interfere with, or give orders to, the engineer or other person having the charge of any engine upon any railway along which mails are conveyed; but if any cause of complaint arises the same shall be stated to the conductor or other officer of the railway having the charge of the train, or to the chief officer at any station upon the railway: and, in case of any default or neglect on the part of any officers or servants of the railway administration to comply with any reasonable regulations of the Director General of the Post Office, the railway administration shall be wholly responsible for the same.

[7 & 8 Vic., c. 85, sec. 11 (in part).]

Mail guard may take mails as luggage.

47. The Director General of the Post Office may send any mail guard with mails, not exceeding the weight of luggage allowed to any other passenger (or subject to the general rules of the railway administration working the railway for any excess of that weight), by any trains other than a mail train upon the same conditions as any other passenger.

[36 & 37 Vic., c. 48, sec. 18 (in part).]

Railway administration to give facilities for receipt and delivery.

48. (*1*) Every railway administration shall afford all reasonable facilities for the receipt and delivery of mails at any of its stations without requiring them to be booked or interposing any other delay.

(*2*) Where the mails are in charge of a guard appointed by the Director General of the Post Office, every railway administration shall permit that guard, if he thinks fit, to receive and deliver them at any station by himself or his assistants, rendering him nevertheless such aid as he may require.

[New.]

Postal accommodation at railway stations.

49. Every railway administration shall, on the conditions specified in section 52, provide such accommodation for the collection, sorting and distribution of mails, or for other purposes of the Post Office, as the Director General of the Post Office may, subject to the general control of the Governor General in Council, from time to time reasonably require at the stations along its railway, and shall allow the Director General of the Post Office to place letter-boxes at its stations.

Terms on which Postal Services are to be rendered.

[New.] **50.** The conveyance of mails over any railway shall be conducted on the following terms and conditions:—

Carriage of mails.

(*a*) Every railway administration shall convey the mails, including such guards and other officers of the Post Office as the Director General of the Post Office may, under section 45, reasonably require to be conveyed in a standard compartment or van, free of cost over its railway up to a limit of one standard postal van (as described in section 44) by any ordinary passenger train (including the mail train, if any, referred to in section 40).

(*b*) The Director General of the Post Office shall pay for any vans, carriages, compartments, or other conveniences, additional to the above, required for, or in connection with, the conveyance of mails, at such reasonable rates, to cover haulage and other charges, as may from time to time be mutually agreed upon between the Governor General in Council and each railway administration.

(*c*) Where the Director General of the Post Office sends any mails in passenger or goods trains, under the charge of a railway administration, and without any guards of the Post Office, he shall pay for the conveyance of such mails according to weight, at such reasonable rates as may from time to time be mutually agreed upon between the Governor General in Council and each railway administration.

(*d*) When mails are required to be conveyed by special train, the Director General of the Post Office shall pay for the special train such reasonable charges as may from time to time be mutually agreed upon between the Governor General in Council and each railway administration.

51. (*1*) Every railway administration shall provide and maintain at its own cost the standard postal compartments and vans, to be supplied under section 44 on the requisition of the Director General of the Post Office, inclusive of all special fittings and appliances required in or about such compartments or vans for the collection, sorting and distribution of mails, or for any other purposes of the Post Office.

Construction, fitting and maintenance of standard postal compartments and vans.

(*2*) The Director General of the Post Office shall pay to the railway administration, in lieu of rent and maintenance, such reasonable charges at a rate, not exceeding 10 per cent. per annum, as may from time to time be mutually agreed upon between the Governor General in Council and each railway administration, on the total capital cost of each compartment or van.

52. (*1*) Every railway administration shall provide and maintain at its own cost the accommodation required at any railway station for the purposes of the Post Office, under section 49.

Provision of postal accommodation at railway stations.

(*2*) The Director General of the Post Office shall pay to the railway administration, in lieu of rent and maintenance, such reasonable charges, at a rate not exceeding 7½ per cent. per annum, as may from time to time be mutually agreed upon between the Governor General in Council and each railway administration, on the total capital cost of all such accommodation so provided.

53. The Director General of the Post Office may at any time notify to any railway administration that any standard compartment or van referred to in section 51, or any accommodation of the nature referred to in section 52, is no longer required for the purposes of the Post Office; and the original cost of providing such standard compartment or van or such accommodation shall thereupon be adjusted as may be mutually agreed upon between the Governor General in Council and the railway administration; and the liability of the Post Office for rent and maintenance charges as aforesaid on the capital cost of such standard compartment or van, or of such accommodation, shall thereupon cease. [New.]

Director General of the Post Office may notify that any standard compartment or van, or any postal accommodation at a station, is no longer required by him.

54. It shall be lawful for the Governor General in Council or for any railway administration, at any time within six months after the expiration of the first five years during which any mutual agreement for regulating the payment to be made by the Post Office for any services rendered under this chapter shall have been in force, or within six months after the expiration of any subsequent term of five years during which any such agreement shall have been in force, to require a revision of the terms for the payment of such services; and the terms shall thereupon be revised as may be mutually agreed upon between the Governor General in Council and the railway administration, and the revised terms so agreed upon shall come into force on the expiration of six months from the date of the revised agreement. [New.]

Revision of mutual agreements regulating payments by Post Office.

55. In case of difference of opinion, the difference shall be determined by arbitration, but so that the services to be performed by any railway administration under this chapter be not suspended, postponed or deferred by reason of such conditions or remuneration, if any, not having been then fixed or agreed on between the Director General of the Post Office and the railway administration, or by reason of the award on any reference to arbitration to determine the conditions or remuneration not having been then made. [1 & 2 Vic., c. 98, sec. 8 (in part).]

Differences to be settled by arbitration.

(B) Conveyance of Her Majesty's forces by railway.

56. Whenever it is necessary to move any of Her Majesty's forces, [or any engineers, artizans and other persons, when employed in the business of the Government,] by any railway, the railway administration shall, on the production of a route or order for their conveyance signed by or on behalf of the proper authority, convey such forces, [and persons,] respectively, with their baggage, stores, arms, ammunition and other necessaries and things, by the ordinary trains on its railway at the usual hours of starting, or by special trains, as may be required in each case by the proper authority; and such forces [and persons] shall [16 & 17 Vic., c. 99, sec. 18 (in part (modified).]

General conditions.

respectively be conveyed at rates calculated as follows, namely:—

[B. C. Ry. Contract, cl. 13.] [Similar, Gd. Rys., cl. 19. Different, B. & N.-W. Ry. cl. 27. S. M. Ry., cl 22.]

(*a*) All commissioned officers in Her Majesty's forces [and persons in a similar station in life] shall be entitled to travel in first class carriages at second class fares. All persons in Her Majesty's forces, [engineers and artizans] under the rank of commissioned officers shall be entitled to travel in second class carriages at the lowest fares, [and all other such persons aforesaid, including prisoners and paupers, at the lowest fares].

[New.]

(*b*) The lowest fares on any railway shall be held to be—

(*i*) by a mail train, the lowest fare charged to the public for a passage by that train;

(*ii*) by troop extra train or by other passenger train (not a mail train), the lowest fare charged to the public by any passenger train on the particular railway travelled over.

[B. C. Ry. Contract, cl. 3(modified).] [Similar, Gd. Rys., cl. 19.]

(*c*) For every one hundred men conveyed at the lowest fares two tons of luggage, and for any number less than one hundred, twenty seers of luggage per man, shall be conveyed free of charge, and persons entitled to travel first class shall be allowed the ordinary amount of luggage taken by a first class passenger free of charge.

[B. C. Ry. Contract, cl. 4 (modified).] [Similar, Gd. Rys., cl. 19.]

(*d*) Every railway administration shall at all times, when and as required by Government, convey all military and naval establishments not hereinbefore specified, all horses and other animals used for military purposes, guns, military stores and equipments, and all public stores of what kind soever, at rates, to be from time to time mutually agreed upon between the Governor General in Council and each railway administration, not exceeding the lowest rates for the time being ordinarily chargeable by the railway for the carriage of the animals, goods and stores respectively:

[New.]

Provided that when a special train is used, on the requisition of the proper authority, for the conveyance of Her Majesty's forces [and other persons aforesaid] the remuneration to be paid to the railway administration for the use of the special train, calculated on the above basis, shall be subject to a minimum charge to be from time to time mutually agreed upon between the Governor General in Council and each railway administration.

C. Ry. cl. B. Ry., Ry., cl. Ry., cl. dified).] lar, B. & Ry., cl. Ry., cl.

57. The several privileges of conveyance and carriage hereby stipulated for shall at all times be enjoyed in preference to, and with priority over, the public use of the said lines.

Priority of demands of Governor General in Council.

(C) Conveyance of Bullion and Coin by railway.

58. Every railway administration shall convey gold and silver bullion and coin and copper coin belonging to Government, and the persons in charge thereof, at special rates and on special conditions to be from time to time agreed upon between the Governor General in Council and each railway administration.

Conveyance of bullion and coin.

(D) Power of Government on occasions of emergency to take possession of railways.

59. (*1*) When the Governor General in Council declares that an emergency has arisen in which it is expedient for the public service that the Government of India should have control over the railways in India, or any of them, the Governor General in Council may, by order, empower any person or persons named in the order to take possession in the name or on behalf of the Government of India of any railway in India, and of the plant belonging thereto, or of any part thereof, and to take possession of any plant without taking possession of the railway itself, and to use the same for the service of the Government of India at such times and in such manner as the Governor General in Council may direct; and the railway administration, its officers and servants, shall obey the directions of the Governor General in Council as to the user of such railway or plant as aforesaid for the service of the Government of India.

Power of Government on occasions of emergency to take possession of railways.

(*2*) Any order given by the Governor General in Council in pursuance of this section shall remain in force for any period named in the order, not exceeding one month, and may be renewed from month to month so long as, in the opinion of the Governor General in Council, the emergency continues. [34 & 35 Vic., c. 86, sec. (modified).]

(*3*) There shall be paid to any railway administration, whose railway or plant may be taken possession of in pursuance of this section, such full compensation, for any loss or injury it may have sustained by the exercise of the powers of the Governor General in Council under this section, as may be agreed upon between the Governor General in Council and the railway administration, or, in case of difference, as may be settled by arbitration. [34 & 35 Vic., c. 86, sec.

(*4*) Where any railway or plant is taken possession of in the name or in behalf of the Government of India in pursuance of this section, all contracts and engagements between the railway administration and its officers and servants, or between the railway administration and any other person, in relation to the working or maintenance of the railway, or in relation to the supply or working of the plant of the railway, which would, if such possession had not been taken, have been enforceable by or against the railway administration, shall, during the continuance of such possession, be enforceable by or against the Government of India. [34 & 35 Vic., c. 86, sec. 16.]

(*5*) For the purposes of this section—

"railway" shall include any tramway, whether worked by animal or mechanical power, or partly in one way and partly in the other, and any stations, works or accommodation belonging to or required for the working of the railway or tramway; [34 & 35 Vic., c. 86, sec.

"plant" shall include any engines, rolling-stock, horses or other animals or mechanical power, and all things necessary for the proper working of a railway or tramway, which are not included in the word "railway." [34 &

CHAPTER VIII.

WORKING OF RAILWAYS.

Opening of railway and subsequent maintenance.

60. Every railway administration shall open its railway throughout, or any portion thereof, for public traffic when and so soon as the Governor General in Council has authorized its opening on the report of the Inspector, as provided in section 35 of this Act, that the railway, or portion, is fit for the conveyance of passengers [Gd. cl. 5.]

Completion and opening.

or goods and properly equipped with rolling-stock, plant, and machinery.

[IV of 1879, sec. 4 (modified).]

61. The authority of the Governor General in Council to open a railway for public traffic shall be held to include permission to use on the railway locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby.

Sanction for use of locomotive engines, carriages, &c.

[B. & N.-W. Ry., cls. 16 to 18.] [Similar, B. C. Ry., cl. 8. S. M. Ry., cls. 13 to 15. Gd. Rys., cl. 18.]

62. When any railway, or portion thereof, has been authorized by the Governor General in Council to be opened for public traffic the railway administration shall—

Maintenance of the railway.

(*a*) keep the railway or portion in good repair, in good working condition, and sufficiently supplied with rolling-stock, plant, machinery, and stores;

(*b*) keep the rolling-stock and fixed and moveable machinery and plant for the time being belonging to the railway or portion in good repair and in good working condition, and

(*c*) maintain a sufficient staff for the purposes of the railway or portion.

[New.]

63. In the case of State railways, and in the case of any company's railway where the special agreement so provides, or in any case if any railway company so desires, the Inspector shall, after proper inspection, countersign, or, if necessary, qualify, the periodical certificates, given by the responsible officers of the railway administration, regarding the proper maintenance of the way, works, and stock during the period to which the certificate refers.

Maintenance certificates.

Additional works subsequent to opening.

[B. & N.-W. Ry., cl. 22.] [Similar, B. C. Ry., cl. 9. S. M. Ry., cl. 16. Gd. Rys., cls. 4 & 24.]

64. *(1)* The Governor General in Council may, from time to time, after any railway or portion of a railway has been opened for public traffic, by notice in writing, require the railway administration to carry out any reasonable alteration, improvement, or addition which may in his opinion be necessary, for the safety of passengers or of the public or for the effectual working of the railway or portion, to be made in or to any part of the railway or portion or any of the stations or works belonging thereto.

Governor General in Council may require additions and alterations.

(*2*) The notice shall specify the alteration, improvement, or addition required, and shall also in general terms describe the works to be executed for the purpose of effecting the same.

[B. & N.-W. Ry., cl. 22.]

65. All land which may be required for the purpose of the works referred to in the last foregoing section shall be provided by the Governor General in Council, and all such land shall, when in the possession of the railway administration, be as between the Governor General in Council and the railway administration subject as nearly as may be to the stipulations and provisions to which it would have been subject had it been land of which possession was given to the railway administration by the Governor General in Council for the original construction of the railway or of works necessary or proper for the purposes thereof.

Provision of land when required.

66. On receiving any such notice, and on obtaining possession of such land, if any, as may be requisite for the prosecution of the works described in the notice, the railway administration shall, with all reasonable speed, execute those works.

[B. & N.-W. Ry., cl. 22.] [Similar, B. C. Ry., cl. 9. S. M. Ry., cl. 16. Gd. Rys., cls. 4 & 24.]

Prosecution of works.

General rules for working a railway.

67. *(1)* Every railway administration shall make general rules consistent with this Act for the following purposes (that is to say):

[IV of 1879, sec. 8.]

Railway administration to make rules.

(*a*) for regulating the mode in which, and the speed at which, carriages and wagons used on the railway are to be moved, or propelled;

[IV of 1879, sec. 8.]

(*b*) for regulating the maximum number of passengers which each carriage and compartment may carry, and the mode in which such number shall be denoted thereon;

[IV of 1879, sec. 8.]

(*c*) for regulating the provision to be made for the accommodation and convenience of passengers;

[IV of 1879, sec. 3.]

(*d*) for declaring what shall be deemed to be, for the purposes of this Act, dangerous goods;

[IV of 1879, sec. 8.]

(*e*) for regulating the conduct of the railway servants; and

[IV of 1883, sec. 3.]

(*f*) generally for regulating the travelling upon, and the use, working, and management of, the railway;

[IV of 1879, sec. 8.]

(2) Any such rule may contain a provision that any person committing a breach of it shall be liable to a fine which may extend to fifty rupees, or, in default of payment of such fine, to simple imprisonment for a term which may extend to two months.

[IV of 1879, sec. 8.]

(3) A rule made under this section shall not take effect until it has received the sanction of the Governor General in Council.

[IV of 1879, sec. 8.]

(4) Every such rule shall be published in the *Gazette of India*, and shall be otherwise notified to the railway servants and the public in such manner as the Governor General in Council, from time to time, directs.

[IV of 1879, sec. 8.]

(5) The Governor General in Council may at any time alter or cancel any rule made under this section.

[IV of 1879, sec. 8.]

68. *(1)* Every railway administration shall cause an abstract of this Act, and a copy of the time tables and tariff of charges for both passengers and goods, and of the scale of terminal charges, if any, which it may, from time to time, publish for its railway, to be exhibited in some conspicuous place at each station of the railway, so that they may be easily seen and read.

[IV of 1879, sec. 9 (modified).]

Copy and translation of Act, &c., to be shown at stations, &c.

(2) All such documents shall be so exhibited in English and in the principal vernacular language of the district in which the station is situate, and in such other language, if any, as the Governor General in Council may direct, and copies of the time table and tariff of charges shall be kept for sale at each station of the railway.

[IV of 1879, sec. 9 (modified).]

Working arrangements.

[B. & N.-W. Ry., cl. 23 (in part).] [Similar, B. C. Ry., cl. 11. S. M. Ry., cl. 19. Gd. Rys., cl. 8.]

69. From and after the time when any railway has been opened throughout for public traffic, and in the case of a railway company until the special agreement terminates by efflux of time or otherwise, the railway administration shall keep the railway so opened and work the same and carry on thereon the business of carriers of passengers and goods, and in particular shall, unless hindered or prevented from so doing by accident or any other matter not within its own control, run daily from each extremity of the line of railway and of the several branches respectively to the other extremity of the same line of railway and the same several branches respectively at least one train carrying passengers.

Working of railway and train service.

[New.]

70. Every railway administration shall conduct its train service on a system of working to be from time to time approved by the Governor General in Council.

System of working train service.

[B. & N.-W. Ry., cl. 24.] [Similar, B. C. Ry., cl. 8. S. M. Ry., cl. 21. Gd. Rys., cls. 9 & 10.]

71. The Governor General in Council may, from time to time, if he thinks any alteration or improvement in the working of any railway or any part thereof necessary for the safety of passengers or of the public or for the effectual working of the railway, require the railway administration to effect the alteration or improvement, and the same shall thereupon be effected by the railway administration.

Governor General in Council may require alterations in working.

[New.] [cf. General rule No. 29.]

72. The Governor General in Council may, from time to time, lay down for any railway or portion thereof a maximum rate of speed for passenger and mixed or goods trains.

Maximum speed of trains.

[21 & 22 Vic., 110, sec. ...]

73. Every railway administration shall provide and maintain in good working order, in every train worked by it which carries passengers and travels more than twenty miles without stopping, such efficient means of communication between the passengers and the railway servants in charge of the train as the Governor General in Council may approve.

Communication between passengers and the railway servants.

[New.]

74. Every railway administration shall provide latrine accommodation in its passenger carriages of all classes, when used for through journeys of a greater length than 50 miles.

Latrine accommodation in passenger carriages.

[New.]

75. Every railway administration shall provide in all its passenger trains suitable and sufficiently roomy and well ventilated dog-boxes or other accommodation for live animals, such as dogs, cats, birds, or the like, which passengers may reasonably require to be conveyed in the same train with themselves.

Accommodation for carriage of dogs in passenger trains.

Tolls and Charges.

...N.-W. ... 25. ... Ry., cl.

76. Every railway administration shall charge such rates and fares for the carriage of goods, animals and passengers on its railway, or so much thereof as has for the time being been opened for public traffic, as may from time to time be fixed by the railway administration, subject to the limits, if any, laid down in the special agreement.

Rates and fares.

Provided that the Governor General in Council may require that the charges for the conveyance of salt and coal and food-grains on any railway be reduced to any rate not below *one-seventh of a pie* per maund per mile for full wagon-loads carried not less than 100 miles, and may also require that passengers be conveyed on any railway at any rate not below *one and a half pies* per mile in closed carriages provided with seats.

[B. & N.-W. Ry., cl. 25 (in part (modified).]

Provided that the Governor General in Council may, from time to time, fix and vary both maximum and minimum rates and fares with a reasonable difference between the maximum and minimum, for the carriage of goods and passengers over any railway, and the rates and fares to be charged by the railway administration for the carriage of goods and passengers shall not exceed the maximum and shall not be less than the minimum rates and fares which may, from time to time, be fixed by the Governor General in Council under this section.

Alternative.

[Contract for working R. M. Ry. by B. & C.I. Ry. Co., cl. 16.]

77. The free allowance of personal luggage, not being merchandise or other articles carried for hire or profit, shall in no case be less than 15 seers weight for each passenger.

[New.]

Free allowance of luggage.

78. Children not above three years old accompanying passengers shall be carried free on all railways. Children above three years and under twelve years old shall be carried on all railways at half the ordinary fares.

[New.]

Children.

79. The classification of goods shall be arranged by every railway administration subject to the approval of the Governor General in Council.

[New.]

Classification of goods.

[Similar, C. Ry.,

80. *(1)* It shall be lawful for any railway administration to charge a reasonable sum for station terminals, subject to the sanction of the Governor General in Council.

[Mr. Chamberlain's Reg. 1884, sec. 2.]

Terminal charges.

(2) In this section "station terminals" means charges in respect of the provision of stations, sidings, wharves, depôts, warehouses, cranes, and other similar matters.

[Mr. Chamberlain's Reg. 1884, sec. 2.]

(3) But a station shall not be considered a terminal station in regard to any goods conveyed on any railway unless the goods have been received thereat direct from the consignor of the goods, or are directed to be delivered thereat to the consignee.

[Hodges, p. 466.]

81. Where any charge is made by a railway administration in respect of the conveyance of goods over its railway, it shall, on application in writing, within one week after payment of the said charge, made to it by the person by whom or on whose account the charge has been paid, within fourteen days after the receipt of the application, render an account to the applicant, distinguishing how much of the charge comes under each of the following heads:—

Railway administration to explain charges.

(*a*) The conveyance of the goods on the railway, including therein tolls for the use of the railway, for the use of carriages and for locomotive power,

(*b*) Loading and unloading, covering and other expenses,

(*c*) Collection and delivery;

but without particularizing the several items of which the charge under each head consists.

[31 & 32 Vic., c. 119, sec. 28.]

82. Where two railways are worked by one railway administration, then in the calculation of tolls and charges for any distances in respect of traffic (whether passengers, animals, goods, carriages, or vehicles) conveyed on both railways, the distances traversed shall be reckoned continuously on those railways as if they were one railway.

Tolls where two railways are worked by one administration.

[B. & N.-W. Ry., cl. 30.] [Not in other contracts.]

83. No railway administration shall, as between members of the general public, make or give any undue or unreasonable preference or advantage to or in favour of any particular person or company or any particular description of traffic in any respect whatsoever, or subject any particular person or company or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Undue preference.

Running powers, facilities, and accommodation for other railways.

[& N.-W. cl. 32.] [B. C. cls. 36 Ry., cl.]

84. The Governor General in Council may, from time to time, require any railway administration to allow the use of its railway or any part or parts thereof for the passage of engines and trains belonging to other railways of the same gauge upon the payment of reasonable tolls and under reasonable conditions and restrictions.

Governor General in Council may require running powers.

[Sec. 13.]

85. Where two or more railway administrations whose railways have a common terminus or a portion of the same line of rails in common, or which form separate portions of one continued line of railway communication, are not able to agree upon arrangements for conducting at such common terminus, or at the point of junction between them, their joint traffic with safety to the public, the Governor General in Council, upon the application of either of the parties, may decide the questions in dispute between them, so far as the same relate to the safety of the public, and may order and determine whether the whole or what proportion of the expenses attending on such arrangements shall be borne by either of the parties respectively.

Where two or more railways fail to agree regarding conduct of joint traffic, Governor General in Council may decide dispute.

[N.-W. cl. 33 (modified).] [B. C. cls. 36 37. Ry., cl. 7.]

86. The Governor General in Council may, from time to time, require any railway administration to allow the use of any of the stations belonging to its railway for the accommodation of the traffic of any other railway, whether of the same or any other gauge, upon the payment of reasonable tolls and under reasonable conditions and restrictions.

Joint use of stations.

[N.-W. cl. 34.]

87. The Governor General in Council may, from time to time, require any railway administration to make reasonable arrangements for the interchange of rolling-stock, and for the interchange and, if necessary, transhipment of traffic, with railways belonging to other railway administrations, and for through-booking.

Interchange of traffic and rolling-stock, and through-booking.

[N.-W. cl. 35.]

88. Every railway administration shall comply with all regulations from time to time prescribed by the Governor General in Council for clearing through traffic with railways belonging to other railway administrations.

Clearing through traffic.

[42 & 43 Vic. c. 41, sec. 4 (*d*).] [Similar, S. M. Ry., cls. 44 & 45.]

89. A railway administration may make and carry into effect agreements with the Governor General in Council for the construction of rolling-stock, plant, or machinery used on, or in connection with, railways, or for leasing or taking on lease any rolling-stock, plant, machinery, or equipments required for use on a railway.

Agreements with the Governor General in Council for construction or lease of rolling-stock, &c.

Working agreements.

[42 & 43 Vic., c. 41, sec. 2, and 26 and 27 Vic., c. 92, sec. 22.]

90. Any railway administration may, from time to time, make with the Governor General in Council, and carry into effect, or, with the sanction of the Governor General in Council, make with any other railway administration, and carry into effect, any agreement with respect to any of the following purposes, namely:—

Powers of railway administrations to enter into working agreements.

(*a*) the working, use, management and maintenance of any railway or part of a railway;

(*b*) the supply of rolling-stock and machinery necessary for any of the purposes hereinbefore mentioned, and of officers and servants for the conduct of the traffic of any such railway or part;

(*c*) the payments to be made and the conditions to be performed with respect to such working, use, management and maintenance;

(*d*) the interchange, accommodation and conveyance of traffic on, coming from, or destined for, the respective railways of the contracting parties, and the fixing, collecting, apportionment and appropriation of the revenues arising from that traffic;

(*e*) generally the giving effect to any such provisions or stipulations with respect to any of the purposes hereinbefore mentioned as the contracting parties may think fit and mutually agree on.

Provided that in every such case the authority so to agree, or the agreement when entered into, shall not affect any of the tolls which the railway administrations parties thereto are, from time to time, respectively authorized to demand and receive from any person or company; but all such persons and companies shall, notwithstanding the agreement, be entitled to the use and benefit of the railways of any such railway administrations parties to the agreement, on the same terms and conditions, and on payment of the same tolls as they would be if the authority had not been given or the agreement had not been entered into.

Power to establish ferries, roadways on bridges, roads, and other means of transport.

[B. and N. Ry., cls. 38 37 (in part) 42 & 43 c. 41, sec.

91. A railway administration may, from time to time, with the sanction of the Governor General in Council, exercise all or any of the following powers:—

Establishment of ferries, roadways, &c., for accommodation of traffic.

(*a*) It may establish, for the accommodation of the traffic of its railway, any ferry properly equipped with boats and fixed and moveable machinery and plant of good quality and adequate in quantity to work the ferry.

(*b*) It may work any ferry established by it under this section for purposes other than the accommodation of the traffic of the railway.

(*c*) It may provide and maintain on any of its bridges roadways for foot passengers, horses, cattle, carriages, carts, or other traffic.

(*d*) It may construct and maintain roads for the accommodation of traffic passing to or from its railway.

(*e*) It may provide and maintain any means of transport which may be required for the reasonable convenience of passengers or goods carried or to be carried on its railway.

(*f*) It may charge tolls on the traffic using such ferries, roadways, roads, or means of transport as it may provide under this section, according to tariffs to be arranged from time to time with the sanction of the Governor General in Council:

Provided that nothing in this section shall affect section 143 of the Army Act of 1881.

CHAPTER IX.

CARRIAGE OF TRAFFIC.

Carriage of property.

[Now.]

92. (*1*) Every railway administration shall accurately fix and determine the tare weight and maximum permissible load of every wagon or truck in its possession; and shall exhibit the figures representing the weight and load so determined in a conspicuous manner on the outside of every such wagon or truck.

Tare weight and maximum load to be exhibited on wagons, &c.

(*2*) Every person owning a wagon or truck, which passes over a railway, shall similarly fix and exhibit the tare weight and maximum permissible load of every such wagon or truck:

Provided that the gross weight of any such wagon or truck bearing on the rails shall not, when distributed, exceed the maximum weight per axle from time to time fixed by the Governor General in Council for each railway or class of railway.

[of 1879, sec. 10.] [to be considered in connection with deriving as to the of common in In-

93. (*1*) Every agreement purporting to limit the obligation or responsibility imposed on a carrier by railway by the Indian Contract Act, 1872, sections 151 and 161, in the case of loss, destruction, or deterioration of, or damage to, property shall, in so far as it purports to limit such obligation or responsibility, be void, unless—

Special contract limiting liability.

(*a*) it is in writing signed by, or on behalf of, the person sending or delivering such property, and

(*b*) it is otherwise in a form approved by the Governor General in Council.

[of 1879, w.]

(*2*) Nothing in the Carriers' Act, 1865, shall apply to carriers by railway.

94. Notwithstanding anything to the contrary contained in the Indian Limitation Act, 1877, a person shall not be entitled to a refund of overcharges of freight on goods carried by railway, unless his claim is preferred in writing to the railway administration within six months from the date on which the goods were delivered for carriage by railway, or within six months from the date of payment of the overcharges if the payment was, at the time, made under protest by the consignor or consignee.

Limit of period of liability for overcharge.

[IV of 1879, sec. 11.]

95. (*1*) When any property mentioned in the second schedule hereto annexed is contained in any parcel or package delivered to a carrier by railway, the carrier shall not be liable for loss, destruction, or deterioration of, or damage to, such property, unless at the time of delivery the value and nature thereof have been declared by the person sending or delivering the same, and an increased charge for the safe conveyance of the same, or an engagement to pay such charge, has been accepted by some railway servant specially authorized in this behalf.

No liability for loss of gold, silver, &c., unless value declared and increased charge accepted.

[IV of 1879, sec. 11.]

(*2*) When any property of which the value and nature have been declared under this section has been lost, destroyed, or damaged, or has deteriorated, the compensation recoverable for such loss, destruction, damage, or deterioration shall not exceed the value so declared.

[IV of 1879, sec. 12.]

96. A carrier by railway shall in no case be answerable for loss, destruction, or deterioration of, or damage to, any passenger's luggage, unless a railway servant has booked and given a receipt for the same.

No liability for unbooked luggage.

[IV of 1879, sec. 13.]

97. In any suit against a carrier by railway for compensation for loss, destruction, or deterioration of, or damage to, property delivered to a railway servant, it shall not be necessary for the plaintiff to prove in what manner such loss, destruction, deterioration, or damage was caused.

Plaintiffs not required to prove negligence.

98. If any person fails to pay on demand any sum due by him to a carrier by railway for conveyance of any property by railway, or for the custody of any property, or for demurrage or wharfage in respect of the same, the railway administration may detain the whole or any part of such property, or, if the same has been removed from the railway, any other property of such person then on such railway or thereafter coming into the possession of the railway administration;

Lien for money due for carriage, &c., of property.

and may also sell by public auction, in the case of perishable property at once, and in the case of other property on the expiration of at least fifteen days' notice thereof published in one or more of the local newspapers, or, where there are no such newspapers, in such manner as the Local Government may, from time to time, direct, sufficient of such property to produce the sum payable as aforesaid, and all charges and expenses of such detention, notice, and sale, or, if such person fails to remove from the railway within a reasonable time any property so detained, the whole of such property;

and may, out of the proceeds of the sale, retain the sum so payable, together with all charges and expenses aforesaid, rendering the surplus, if any, of such proceeds, and so much of the property (if any) as remains unsold, to the person entitled thereto;

or such carrier may recover any such sum by suit.

[IV of 1879, sec. 15.]

99. The owner or person having the care of any property which has been carried upon any railway, or is brought into any station or warehouse for the purpose of being carried upon a railway, shall, on demand by any railway servant appointed in this behalf by the railway administration, deliver to him an exact account in writing signed by such owner or person of the quantity and description of such property.

Written account of property to be given on demand.

[IV of 1879, sec. 16.]

100. (*1*) No passenger shall take with him on a railway, and no person shall deliver or tender for carriage upon any railway, any dangerous luggage or goods without giving notice of their nature to a railway servant, or, in the case of luggage or goods delivered or tendered for carriage, distinctly marking their nature on the outside of the package containing the same.

Dangerous goods.

[IV of 1879, sec. 16.]

(*2*) Any railway servant may refuse to carry upon a railway any luggage or parcel which he has reason to believe may contain dangerous goods, and may require such luggage or parcel to be opened to ascertain the fact previously to carrying the same.

[IV of 1879, sec. 16.]

(*3*) If any such luggage or parcel is received for the purpose of being carried upon a railway, any railway servant may stop the transit thereof until he is satisfied as to the nature of its contents.

Liability for goods booked by ship.

[... and 35 ... c. 78, sec. ...]

Ruff. Doolan *vs.* Midland Ry. Coy., L. R. 2, App. Cas. pp. ... 308.]

101. Where a railway administration under a contract for carrying animals or goods by sea procures the same to be carried in a ship not belonging to the railway administration and loss or damage happens to the animals or goods during the carriage thereof in the ship, the railway administration shall be answerable in damages in respect of the loss or damage in like manner as it would be answerable if the ship had belonged to itself.

Restrictions or contracts limiting liability for goods booked by ship.

... Duncan *vs.* ... Ry. ... R. 2, ... pp. ... 308.] ... view.]

102. Where a railway administration under a contract for carrying persons, animals, or goods by sea procures them to be carried in any ship not belonging to the railway administration, it shall be answerable for loss of life or personal injury, or in respect of loss or damage to such animals or goods, to no greater amount than if the ship had belonged to itself; provided that the loss or damage has happened during the carriage of the same in the ship, proof whereof shall lie upon the railway administration.

Limit of liability for persons and goods carried by ship.

Carriage of passengers.

103. Every railway administration shall fix, subject to the approval of the Governor General in Council, the maximum number of ordinary passengers and of troops that may be carried in each compartment of every description of carriage, and shall exhibit the number so determined in a distinct and conspicuous manner inside each compartment of the 1st and 2nd class in English, and both inside and outside each compartment of all classes inferior to the second class, in English as well as in the vernacular language most commonly used in the districts through which the railway passes.

Maximum number per compartment.

[IV of 1879, sec. 17.]

104. Every person desirous of travelling on a railway shall, upon payment of his fare, be supplied with a ticket, specifying in English and the principal vernacular language of the district in which the ticket is issued, the class of carriage for which, and the place from and place to which, the fare has been paid, and the amount of such fare.

Passengers on payment of fares to be furnished with tickets.

[IV of 1879, sec. 17.]

105. Every passenger shall, when required, show his ticket to any railway servant duly authorized to examine the same, and shall deliver up such ticket upon demand to any railway servant duly authorized to collect tickets.

Tickets to be shown and given up on demand.

[IV of 1879, sec. 18.]

106. (*1*) At intermediate stations, the fares shall be deemed to be accepted and the tickets supplied only upon condition that there be room in the train for which the tickets are supplied.

Fares and tickets at intermediate stations.

(*2*) If there is not room for all the passengers to whom tickets have been supplied, those who have obtained tickets for the longest distance shall have the preference, and those who have obtained tickets for the same distance shall have the preference according to the order in which they have received their tickets:

Provided that all officers and troops of Her Majesty on duty, and all other persons on the business of the Government, who, by virtue of this Act or of the special agreement or, in the case of a railway worked by Government, of any direction of the Governor General in Council, are entitled to be conveyed on a railway in preference to, or in priority over, the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which, they have received their tickets.

(*3*) Any passenger to whom a ticket has been supplied at any station and for whom there is no room shall, on returning the ticket within a reasonable time after its issue, be entitled to have his fare at once refunded.

[IV of 1879, sec. 19.]

107. Except with the permission of the railway administration or of such officer as it appoints in this behalf, no person shall enter any carriage used on any railway for the purpose of travelling therein without having first paid his fare and obtained a ticket.

Fares to be prepaid.

[IV of ... sec. 20.]

108. (*1*) Any passenger found suffering from an infectious disease in a railway carriage or in any place on a railway may, if his remaining in such carriage or place is likely to spread the infection of such disease, be removed from such carriage or place by any railway servant.

Power to remove persons suffering from infectious disease.

[IV of 1879, sec. 20 (modified).]

(*2*) Any passenger so removed who has paid his proper fare to or at the place at which he is so removed, shall be entitled, on returning his ticket, to have refunded so much of his fare as is paid in respect of the distance between the place at which he is removed and his place of destination.

CHAPTER X.

ACCIDENTS.

Report of, and compensation for, accidents.

[IV 1879, sec. 6 (modified).]

109. Every railway administration shall, within twenty-four hours after the occurrence upon the railway of—

Accidents to be reported.

(*a*) any accident attended with loss of human life or serious injury to person or property,

(*b*) any accident of a description usually attended with such loss or injury, or

(*c*) any accident of any other description which the Governor General in Council may, from time to time, direct to be notified,

give notice thereof to the Local Government and to the Inspector.

[31 and 32 Vic., c. 119, sec. 25.]

110. Where a person has been injured or killed by an accident on a railway the Governor General in Council, upon application in writing made by the person if he is injured, or his representatives if he is killed, may, if he thinks fit, refer the question of compensation to arbitration in accordance with the provisions of this Act.

Power for Governor General in Council on application of injured person to refer question of compensation to arbitration.

[31 and 32 Vic., c. 119, sec. 26.]

111. Whenever any person injured by an accident on a railway claims compensation on account of the injury, any judge of the court in which proceedings to recover such compensation are taken, or any person who, by the consent of the parties or otherwise, has power to fix the amount of compensation, may order that the person injured be examined by some duly qualified medical practitioner named in the order, and not being a witness on either side, and may make such order with respect to the costs of such examination as he thinks fit.

Medical examination of injuries.

Duties of Railway, Police, and Civil Officers on occurrence of serious accidents.

[P. W. D. Cir. III Ry. of 1881.]

112. In sections 113 to 131 the words "district superintendent of police" of the district in which the occurrence takes place shall be substituted for the words "railway police superintendent" in respect of railways whereon a railway police superintendentship has not been established. In the same sections the word "Manager" shall include the Agent of a guaranteed or other railway company, or other officer in charge, and the Chairman of the Corporation in the case of the Calcutta municipal railway and the Vice-Chairman of the Calcutta Port Commissioners in the case of railways belonging to that body, and also the Chief Engineer or Engineer-in-Chief, or other officer in charge of any railway.

Interpretation.

Duties of Managers and Railway Officers.

[P. W. D. Cir. III Ry. of 1881.]

113. (*1*) On the occurrence of any serious railway accident as defined in section 109, sub-sections (*a*) and (*b*), the nearest station-master, or, where there is no station-master, the officer in charge of the section of the railway on which the accident occurs, shall give immediate notice thereof in writing, or by telegraph when possible,—

Station-master to report accident.

(*a*) to the nearest Magistrate in the district in which the accident occurred;

(*b*) to the railway police superintendent;

(*c*) to the officer in charge of the police station in the jurisdiction of which the accident occurred; and

(*d*) to the senior policeman present at his station.

[P. W. D. Cir. III Ry. of 1881.]

114. The Manager shall, within 24 hours after the occurrence of any serious accident as defined in section 109, sub-sections (*a*) and (*b*), give notice thereof,

Manager to report accident.

(*a*) to the Inspector;

(*b*) to the Secretary to the Local Government in the Judicial Department in order that the Local Government may, if necessary, watch over the investigation.

[P. W. D. Cir. III Ry. of 1881.]

115. (*1*) The Manager shall cause departmental inquiry to be held promptly for the investigation of the causes of every serious accident, and shall give notice of the holding of the inquiry to the railway police superintendent.

Manager to hold departmental inquiry.

(*2*) The railway police superintendent shall, if practicable, attend the inquiry, or, in his unavoidable absence, depute an officer of police to be present in his behalf.

(*3*) The Manager shall communicate the conclusion at which he has arrived as the result of the inquiry to the Magistrate and to the Inspector, with a statement of the persons, if any, whom the railway authorities intend to prosecute.

[P. W. D. Cir. III of 1881.]

116. (*1*) It shall be the duty of the Manager, or other officer deputed by him in that behalf, to take all necessary proceedings for the prosecution of any railway servants who, to the best of his judgment, are guilty of crime or of breaches of this Act, or of the general rules sanctioned by the Governor General in Council, if in his judgment such crime or breaches of this Act or of the general rules are calculated to cause serious accidents.

Prosecution of offenders.

(*2*) It shall be duty of the railway police superintendent, to make a report of all cases in which there appears to be ground for suspecting railway subordinates of such misconduct, and to prosecute all persons when required to do so by the Manager.

[P. W. D. Cir. III of 1881.]

117. When it is necessary to arrest any offender under sections 192 and 193, it shall be the duty of the railway police superintendent, or the senior police officer or policeman present, or, in the event of there being no member of the police force present, a railway servant, when required to do so by the Manager, or other officer authorized by him in that behalf, to at once arrest the offender, or, when the offender is himself a railway servant, whose removal would cause danger or grave inconvenience, to take precautions to prevent his escape pending the arrival of a substitute.

Arrest of offenders.

[P. W. D. Cir. III of 1881.]

118. It shall be the duty of the Manager, upon the requisition of the Magistrate or other officer holding an inquiry, to arrange for the attendance, as long as needful, at the court or place of inquiry, of any officer or servant of the railway, whose attendance may be necessary.

Attendance of witnesses.

[P. W. D. Cir. III Ry. of 1881.]

119. In the case of judicial inquiries, the Manager shall report the result to the Inspector, and forward to him a copy of the decision of the court.

Judicial inquiries.

[P. W. D. Cir. III Ry. of 1881.]

120. It shall be the duty of the Manager—

Lists of officers to be maintained and supplied by Manager.

(*a*) to maintain at each railway station, or, in the case of lines under construction, in each divisional office, a list of Magistrates or other officers (such list to be furnished by the Magistrate having jurisdiction over the place where the station is situate), to whom reports of accidents should be made; and

(*b*) to supply to the Magistrate a list of railway officers to whom any summons may be sent for service on subordinate railway servants.

Duties of the Railway and District Police.

[P. W. D. Cir. III Ry. of 1881.]

121. The railway police may make an investigation in the case of any railway accident.

Railway police may investigate any accident.

[P. W. D. Cir. III Ry. of 1881.]

122. *(1)* On the occurrence of a serious accident, as defined in section 109, sub-sections (*a*) and (*b*), the railway police superintendent shall at once advise the local administration, and proceed without delay to the scene of the accident, and investigate the circumstances thereof.

Railway police superintendent to investigate serious accidents.

(2) If the railway police superintendent is himself unable to proceed, he shall so inform the nearest Magistrate in the district, and shall depute a subordinate police officer to act in his behalf.

(3) The police investigation shall be held as far as possible in connection with the departmental inquiry held by the Manager under section 115.

(4) If the police officer is of opinion that sufficient grounds exist for a judicial investigation, he shall bind all parties to appear before a Magistrate on a date to be fixed by the police officer.

(5) If an officer of the railway police makes the investigation, he shall give immediate information thereof to the district police, either direct or through the Magistrate of the district, and shall further report the result of the investigation to the Manager and to the Magistrate of the district.

(6) When the investigation is made by the railway police and an officer of the railway police calls for the assistance of the officers of the district police, it shall be the duty of the district police to afford all necessary assistance, and if occasion arise, to carry the investigation beyond the limits of the railway premises.

(7) But the railway police superintendent is primarily entrusted with the duty of investigation within railway limits, and, subject to any provisions elsewhere contained in this chapter, the further prosecution of the case, on the conclusion of the preliminary local police investigation, shall rest with the railway police.

Duties of Civil Officers.

[P. W. D. Cir. III Ry. of 1881.]

123. The Magistrate shall report to the local Government the occurrence of any serious accident within the meaning of section 109, sub-sections (*a*) and (*b*).

Magistrate to report to Local Government the occurrence of any serious accident.

[P. W. D. Cir. III Ry. of 1881.]

124. The Magistrate of the district or the sub-divisional Magistrate, on receiving information of the occurrence of a serious accident within the meaning of section 109, sub-sections (*a*) and (*b*), shall, at his discretion, either—

Duties of Magistrate on occurrence of serious accident.

(*a*) himself proceed to the scene of the accident and make any inquiry;

(*b*) depute a subordinate Magistrate to make inquiry; or

(*c*) direct the railway or district police, as the case may be, to make investigation.

[P. W. D. Cir. III Ry. of 1881.]

125. *(1)* The Magistrate, or other officer holding the inquiry, may summon any railway servant or other person whose presence he thinks necessary, and, after taking the evidence and completing his inquiry, shall, if he considers there are sufficient grounds for judicial investigation, take the requisite steps to bring to trial any person whom he considers criminally liable for the accident.

Inquiry by Magistrate.

(2) The Magistrate shall communicate the result of his preliminary local inquiry to the Manager and to the Inspector.

(3) If the Magistrate delays action until receipt of the railway departmental report, he shall, on receipt of that report, decide whether to discharge the persons accused or to proceed with the case.

(4) If the Manager does not prosecute the persons who ought, in the opinion of the Magistrate, to be prosecuted, the Magistrate may arrange for their prosecution.

[P. W. D. Cir. III Ry. of 1881.]

126. It shall be the duty of the Civil Surgeon of the district, or other district medical officer, when required to do so by the Manager or the Magistrate of the district, or the superintendent of police, to proceed to the scene of any railway accident attended with personal injury, for the purpose of rendering medical aid and of making, before the investigating authorities, any professional statement that may be required.

District medical officer to attend when called upon.

[New.]

127. Where the investigation or inquiry has reference to matters occurring on, or in any way attributable to, adjacent foreign territory, the Magistrate shall, so far as may be necessary, communicate with the Magistrate or other officer having jurisdiction in such territory.

Investigation in adjacent foreign territory.

[P. W. D. Cir. III Ry. of 1881.]

128. *(1)* If, in the course of the judicial inquiry, the Magistrate wishes for the assistance of the Inspector or Manager or for the attendance of any officer of the railway, to explain or give evidence upon any matter relating to railway supervision, management, or working, he may issue a requisition to such officer or officers to attend the Court.

Evidence on technical points.

(2) In cases where technical points are involved the Magistrate, or other officer holding the inquiry, shall call for and take the opinion of professional persons.

[P. W. D. Cir. III Ry. of 1881.]

129. On the conclusion of the inquiry the Magistrate shall, if he thinks it necessary, report the result to the local Government; and shall in

Judicial inquiry.

every case send a copy of his decision to the Manager.

[P. W. D. Cir. III Ry. of 1881.]

130. It shall be the duty of a Magistrate through whose jurisdiction a railway passes—

Lists of officers to be maintained and supplied by Magistrate.

(*a*) to maintain a list of railway officers (such list to be furnished by the Manager), to whom summons may be sent for service on subordinate railway servants; and

(*b*) to supply to the Manager a list of Magistrates or other officers to whom reports of accidents should be made.

Inspector's duties.

[P. W. D. Cir. III Ry. of 1881.]

131. *(1)* On receiving notice of a serious accident, the Inspector may, or in any case on requisition from the officer charged with the inquiry, the Inspector shall proceed himself, or by deputy, to the scene of the accident, shall note the facts, watch the proceedings of the departmental or magisterial inquiry, and make such inquiries and investigations as he thinks fit, calling upon the Manager or officer in charge of the line for any assistance needed, and the Inspector shall form his own conclusions.

Duties and powers of Inspector on occurrence of serious accident.

[34 & 35 Vic., c. 78, sec. 7 (in part).]

(2) The Inspector may, by an order in writing under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of such inquiries and investigations, and may for such purpose require answers or returns to such inquiries as he thinks fit to make.

He may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.

[P. W. D. Cir. III Ry. of 1881.]

(3) The Inspector shall submit his report, together with any recommendations he may consider necessary to prevent the recurrence of similar accidents, to the Local Government, forwarding a copy to the Manager and to the Magistrate having jurisdiction.

Temporary entry upon land for repair or prevention of accident.

[5 & 6 Vic., c. 55, sec. 14.]

132. The Governor General in Council may empower any railway administration, in case of any accident or slip happening or being apprehended to any cutting, embankment, or other work belonging to the railway administration, to enter upon any lands adjoining its railway for the purpose of repairing or preventing the accident, and to do all such works as may be necessary for the purpose:

Temporary entry upon land for repairing or preventing accident.

Provided as follows:

(i) In case of necessity any railway administration may enter upon the lands and do the works as aforesaid, without having obtained the previous sanction of the Governor General in Council; but in every such case the railway administration shall, within forty-eight hours after such entry, make a report to the Governor General in Council, specifying the nature of the accident or apprehended accident and of the works necessary to be done, and such powers shall cease and determine if the Governor General in Council, after considering the said report, considers that their exercise is not necessary for the public safety:

(ii) Such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch, and full compensation shall be made to the owners and occupiers of the lands for any loss or injury or inconvenience sustained by them respectively by reason of the works, the amount of which compensation in case of any dispute about the same, shall be settled in the same manner as cases of disputed compensation with respect to the taking of lands are directed to be settled under the Land Acquisition Act.

[X of 1870.]

[31 & 32 Vic. c. 119, sec. 24.]

133. In any case where there is danger that any tree standing near to a railway may fall on the railway so as to obstruct the traffic, the railway administration may, on obtaining an order to that effect from any Magistrate, remove or otherwise deal with the tree, and upon complaint made, shall pay such compensation to the owner of the tree so ordered to be removed or otherwise dealt with as the Magistrate may think proper.

Danger from tree likely to fall on railway.

General return of accidents.

[IV of 1871, sec. 7.]

134. Every railway administration shall make up and deliver to the Governor General in Council a return of accidents occurring in the course of the public traffic upon its railway, whether attended with personal injury or not, in such form and manner, and at such intervals of time, as the Governor General in Council from time to time directs.

Submission of return of accidents.

CHAPTER XI.

ACCOUNTS, STATISTICS, AND AUDIT.

Submission of returns.

[3 & 4 Vic., c. 97, Ry., cl. 8 (modified) [Similar, S. Ry., cl. 34, S. M. Ry., 33 & 58.]

135. *(1)* Every railway administration shall keep a capital account and a revenue account, and shall also keep all such accounts of its capital and revenue transactions, and all such details and statistics of its traffic, as are from time to time required by the Governor General in Council, and in the forms in which the Governor General in Council requires the accounts, statistics, and details of traffic last aforesaid repectively to be kept.

Accounts and statistics to be submitted.

(2) Every railway administration shall at its own cost render the capital account and revenue account, and all accounts, statistics, and details of traffic, kept by it under this section, to the Governor General in Council at such times as he may from time to time require.

[B. of Ry., cl. 34, Gt. Ry., 13.]

136. Every railway administration shall furnish such statistics, other than railway statistics proper, as may be required by the Governor General in Council, or any Local Government, for the registration of inland trade. In the case of a railway company payment shall be made for the preparation of such statistics on such terms as may be mutually agreed upon.

Statistics for registration of inland trade.

Capital and revenue accounts.

[B. of Ry., cl. 34, Gt. Ry., 13.]

137. In the capital account of every railway shall be entered all such of the expenditure and receipts by or on behalf of the railway administration in respect to its general un-

Items to be included in capital account.

dertaking as are properly attributable to capital in accordance with the general principles laid down in section 139:

[B. & N.-W. Ry., cl. 44.] Provided that any railway company may, during the original construction of the railway and works specified in the special agreement, but for no period subsequent to that specified in the special agreement, if authorized so to do by the Governor General in Council, pay out of capital any sums by way of interest on the amounts from time to time *bonâ fide* paid up on the issued share capital of the railway company, not amounting with the net earnings of the railway company during such period to more than 4 per cent. per annum on the sums in respect of which the interest is paid, and may in like manner also pay out of capital any sums by way of interest on the capital for the time being borrowed by the railway company under the provisions of the special agreement. The moneys paid out of capital under this section may be charged to capital account as part of the original cost of construction.

[B. & N.-W. Ry., cl. 44.] [Similar, B. C. Ry., cl. 26. S. M. Ry., cl. 26. Gd. Rys., cl. 14.]

138. In the revenue account of every railway shall be entered all such of the expenditure and receipts by or on behalf of the railway administration in respect to its general undertaking as are properly attributable to revenue except so much of the expenditure last aforesaid as may under the section last hereinbefore contained be attributable to capital.

Items to be included in revenue account.

[B. & N.-W. Ry., cl. 45 (in part).] [Similar, B. C. Ry., cl. 30. S. M. Ry., cl. 39.]

139. In any case where any question may or might arise as to whether any expenditure is to be treated in whole or in part as a charge on capital or how the same is to be dealt with, the question shall be determined on the general principle that

General principles of allocation of expenditure to capital or revenue.

(*1*) capital shall bear the cost of—

(*a*) the original construction and completion of the railway, and the stations, station yards, offices, warehouses, houses for employés, fixed machinery, conveniences, and works belonging thereto,

(*b*) the original equipment of the railway and its appurtenances with rolling-stock, plant and moveable machinery,

(*c*) the original provision and equipment of any steam vessel, ferry, roadway, road, or other means of transport which may be provided under the special agreement, or with the approval of the Governor General in Council under section 91,

(*d*) the charges of the Government Telegraph Department for rent, maintenance and inspection of telegraphs during the construction of the railway,

(*e*) the cost of any force of police provided by the Governor General in Council for the protection of any part of the railway during its original construction,

and shall also bear the cost of new works, additional rolling-stock, plant, boats, steam-vessels, and fixed and moveable machinery, and substantial improvements of, and additions to, old works, rolling-stock, plant, boats, and steam-vessels, and fixed and moveable machinery, and that

(*2*) the cost of all working expenses, repairs, restorations, renewals, and replacements shall be charged to revenue account:

Provided that in the case of renewal of rolling-stock a new engine or a new vehicle of any class shall be placed on the railway and charged to revenue, irrespective of cost, in the place of each engine or vehicle, of the same class, condemned. [New.]

140. Working expenses shall include all costs and expenses incurred by any railway administration in or about or in connection with— [B. & N.-W. Ry. cl. 47 (modified).] [Similar, B. C. Ry., cl. 25. S. M. Rys., cl. 41.]

Working expenses.

(*a*) the maintenance, management and working of so much of the railway as shall for the time being have been opened for public traffic;

(*b*) the maintenance and management of any ferry, roadway, road, or other means of transport, which the railway administration may, under section 91, or by the special agreement, be authorized to establish and maintain;

(*c*) any contribution to a reserve fund which may be established with the sanction of the Governor General in Council;

(*d*) all costs and expenses in any portion of this Act stipulated to be included amongst working expenses; and in general

(*e*) all reasonable expenses proper to be allowed out of revenue in connection with the maintenance, management and working of the undertaking established and carried on by the railway administration.

Appointment and functions of auditors.

141. It shall be lawful for the Governor General in Council and any railway company each to appoint an auditor or auditors, or, should they so desire, the Governor General in Council and any railway company may together appoint a joint auditor or joint auditors to conduct the audit of the railway company's accounts. [New.]

Appointment of auditors.

142. The accounts of any railway company in relation to its expenditure and receipts in India, England, and elsewhere may from time to time be audited on behalf of the Governor General in Council, as well as on behalf of the railway company, and the railway company shall produce to the auditor or auditors all vouchers, books, accounts, papers and documents of the railway company necessary for the purpose of audit, and afford to him or them all facilities requisite for the performance of his or their duties. [B. & N.-W. Ry., cl. 47 (modified).] [Similar, B. C. Ry., cls. 27 (in part) & 31. S. M. Ry., cl. 40 & 53. Gd. Rys., cl. 10.]

Audit of accounts.

143. The necessary costs of audit, in whatever manner carried out, shall be defrayed by the railway company and included in working expenses. [B. & N.-W. Ry., cl. 47 (modified).]

Cost of audit to be borne by company.

144. (*1*) Amongst the functions of the auditor or auditors shall be included the duty of seeing that the revenue of the railway company is duly and correctly accounted for and properly applied from time to time in discharging working expenses and providing for the discharge of all liabilities incurred up to the end of the period to which the accounts relate. [B. & N.-W. Ry., cl. 47 (modified).]

Duties of auditors.

(*2*) The auditor or auditors may examine the books of the railway company at all reasonable times, and may call for such further accounts, and such vouchers, papers, and information, as they think fit; and the directors and officers of the railway company shall produce and give the same as far as they can, and the auditors may refuse to certify to the correctness of the accounts until they have received the same. [30 & 31 Vic., c. 127, sec. 30 (in part).]

(*3*) The auditor or auditors may at any time add to their certificate or issue to the shareholders independently, at the cost of the railway company, any statement respecting the financial condition and prospects of the railway company which they think material for the information of the shareholders.

[B. & N.-W. Ry., cl. 46.] (*4*) Any correction made in the accounts by any person or persons who shall be acting as joint auditor or joint auditors on behalf both of any railway company and of the Governor General in Council shall be conclusive.

145. If, consequent on the audit of any auditor acting exclusively on behalf of the Governor General in Council, the Governor General in Council shall require alterations to be made in the accounts of any railway company, and the railway company shall object to the alterations, the matter in difference shall be referred to arbitration under the provisions of this Act. [B. & N.-W. Ry., cl. 46 (modified).]

Differences to be settled by arbitration.

CHAPTER XII.

OFFENCES AND PROCEDURE.

(A.)—Offences by the railway administration.

[IV of 1879, sec. 52 (modified).]

146. Any railway administration wilfully neglecting or violating any rule made by the Governor General in Council or a Local Government, under section 20, shall be liable to a fine not exceeding five hundred rupees for every such neglect or violation or, when such neglect or violation is continuous, for every day during which it continues.

For wilful neglect or violation of any rule made under section 20.

[XIII of 1884, sec. 123; B. & N.-W. Ry., cl. 22; 8 & 9 Vic., c. 20, sec. 62.]

147. (*1*) If a railway administration fails to execute or complete, to the satisfaction of the Governor General in Council, and within a reasonable time, any works, or any additions, alterations, or improvements to its railways, prescribed in any notice given under this Act, the Governor General in Council may, after not less than ten days' notice to the railway administration, execute, or complete the execution of, the works, additions, alterations, or improvements.

Execution of works required to be done by any notice.

(*2*) Any works executed or completed by the Governor General in Council under this section shall be taken over by the railway administration as works belonging to the railway.

[XIII of 1884, sec. 12 *b*.]

148. (*1*) Where under this Act a railway administration is required by the Governor General in Council to execute any work and makes default in complying with the requirement, and the Governor General in Council executes the work under the last foregoing section, the Governor General in Council may recover the cost of the work from the railway administration.

Recovery of costs of execution.

(*2*) All money recoverable by the Governor General in Council under this section may be recovered by suit, and shall, until it is paid, be a charge on the railway.

149. If any railway company fails, within the period, if any, limited by the special agreement, to complete its railway, it shall be liable to a penalty of five hundred rupees a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic or until the sum received in respect of the penalty amounts to 5 per cent. on the estimated cost of the works; but no penalty shall accrue in respect of any time during which it appears to the Governor General in Council that the railway Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond its control. Provided that the want of sufficient funds shall not be held to be a circumstance beyond its control. [Model Railway Bill (special cl. 3 in part).]

For non-completion of a railway within the time limited.

150. Any railway administration contravening, or failing to comply with, any of the provisions of Chapter VI, relating to the opening of railways, shall be liable to a fine not exceeding one thousand rupees for every day during which such contravention or failure continues. [New; cf. IV of 1883, sec. 4.]

For contravening provisions of Chapter VI relating to opening of railways.

151. If any railway administration, or any of its officers, servants, or agents, refuse or neglect to convey any mails, or to receive, take up, deliver, and leave any mails, guards, or other officers of the Post Office, or to afford all reasonable facilities for the receipt and delivery of mails in accordance with the provisions of Chapter VII, or fail to obey, observe, and perform all such regulations in respect thereof as the Governor General in Council may make under the provisions of this Act, the railway administration which, or whose officer, servant, or agent, so offends, shall, for every such offence, be liable to a fine not exceeding two hundred rupees. [1 & 2 Vic., c. 98, sec. 12.]

For neglect to convey mails.

152. If any railway administration, or any of its officers, servants, or agents, refuse or neglect, on the requisition of the proper authority, to convey over its railway any of Her Majesty's forces [or any engineers, artizans, and other persons, when employed in the business of the Government], with their baggage, stores, arms, ammunition, and other necessaries and things, as provided in section 56, the railway administration which, or whose officer, servant, or agent, so offends, shall, for every such offence, be liable to a fine not exceeding two hundred rupees. [New.]

For neglect to convey Her Majesty's forces.

153. Any railway administration which allows any train to be run on its railway at a speed in excess of that laid down, from time to time, under section 72, shall, for every such offence, be liable to a fine not exceeding five hundred rupees. [New.]

For running a train in excess of authorized speed.

154. Any railway administration omitting to provide and maintain in good working order, in every train worked by it which carries passengers and travels more than twenty miles without stopping, such efficient means of communication as is required under section 73, shall be liable to a fine not exceeding one hundred rupees for each case of default. [31 and 32 Vic., c. 119, sec. 22.]

For not providing means of communication in trains between passengers and railway servants.

[New.] **155.** Any railway administration omitting to provide latrine accommodation in its passenger carriages, as required in section 74, shall be liable to a fine not exceeding one hundred rupees for every carriage not so provided, and for every day on which such carriage is used.

For not providing latrine accommodation in passenger carriages.

[New.] **156.** Any railway administration omitting to provide in any passenger train suitable dog-boxes or other accommodation, as required in section 75, shall be liable to a fine not exceeding fifty rupees for every passenger train run without such accommodation and for every day on which a passenger train is so run.

For not providing suitable accommodation for dogs, &c.

[New.] **157.** Any railway administration which fails to explain its charges in respect of the conveyance of goods over its railway, as required in section 81, shall, for every such offence, be liable to a fine not exceeding twenty rupees for every day after the expiration of the period of fourteen days, named in that section, during which it so makes default.

For failing to explain charges for conveyance of goods.

[cf. 5 & 6 Vic., c. 55, sec. 11.] **158.** If any railway administration refuses or wilfully neglects to comply with any requisition, order, decision, notice, or regulation, given or made by the Governor General in Council pursuant to any of the provisions of sections 84, 85, 86, 87, or 88, it shall be liable to a fine not exceeding two hundred rupees for every day during which such refusal or neglect continues.

For neglect to comply with any order of the Governor General in Council under sections 84 to 88.

[New.] **159.** Any railway administration omitting to fix and exhibit the tare weight and maximum permissible load of any wagon or truck in the manner required in section 92, or the maximum number of passengers and troops that may be carried in any compartment as required in section 103, shall be liable to a fine not exceeding twenty rupees for each offence, and for every day during which the omission continues.

For omitting to fix and exhibit tare weight and maximum load of wagons, and maximum number of passengers per compartment.

[IV of 1879, sec. 22.] **160.** Any railway administration omitting to give notice of an accident, as required by section 109, shall be liable to a fine not exceeding one hundred rupees for every day during which the omission continues.

For omitting to report accident.

[IV of 1879, sec. 23.] **161.** Any railway administration failing to deliver any return mentioned in section 134 within fourteen days after the same ought to be delivered, or to make or notify any rules as required by section 67, or to exhibit any abstract or copy mentioned in section 68, in manner required by that section, shall be liable to a fine not exceeding fifty rupees for every day during which the failure continues.

For not sending return of accidents, or making rules under section 67, or exhibiting copy under section 68.

[3 & 4 Vic., c. 97, sec. 3.] **162.** If any railway administration fails to deliver any accounts, statistics, or details of traffic required under section 135, within thirty days after the same have been required, it shall be liable to a fine not exceeding two hundred rupees for every day during which it wilfully neglects to deliver the same.

For failing to deliver accounts, statistics, &c.

[34 & 35 Vic., c. 78, sec. 10.] **163.** If any return which is required under this Act is false in any particular to the knowledge of any person who signs the same, such person shall be liable to a fine not exceeding five hundred rupees.

For false returns.

(B.)—Offences by railway servants.

[IV of 1879, sec. 24.] **164.** Any station-master or other person omitting to give notice of an accident as required by section 113 shall be punished with fine which may extend to fifty rupees.

For omitting to give notice of accident.

[IV of 1879, sec. 25.] **165.** *(1)* If any railway servant—

For drunkenness or breach of duty.

(*a*) is in a state of intoxication whilst actually employed upon a railway in the discharge of any duty, or

(*b*) negligently omits to perform his duty, or

(*c*) performs the same in an improper manner,

he shall be punished with fine which may extend to fifty rupees;

(2) if the duty in any such cases is such that the negligent, omission, or improper performance thereof would be likely to endanger the safety of any person travelling or being upon the railway, such servant shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

[IV of 1879, sec. 26.] **166** If any railway servant in the discharge of his duty endangers the safety of any person—

For endangering the safety of persons.

(*a*) by disobeying any general rule sanctioned, published and notified in the manner prescribed by section 67; or

(*b*) by disobeying any rule or order which is not inconsistent with the general rules aforesaid, and which such servant was bound by the terms of his employment to obey, and of which he had notice; or

(*c*) by any rash or negligent act or omission,

he shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five hundred rupees, or with both.

[IV of 1879, sec. 27.] **167.** *(1)* Every railway servant shall be deemed a "public servant" within the meaning of sections 161, 162, 163, 164, and 165 of the Indian Penal Code.

For receiving bribes.

(2) In the definition of legal remuneration contained in the said section 161, the word "Government" shall, for the purposes of this section, be deemed to include any employer of a railway servant as such.

[IV of 1879, sec. 28 (modified).] **168.** Any railway servant who compels or attempts to compel any passenger to enter a carriage or compartment containing the maximum number of passengers denoted thereon, in accordance with section 103, shall be punished with fine which may extend to one hundred rupees.

For compelling passengers to enter carriages already full.

(C.)—Offences by persons generally.

[IV of 1879, sec. 29.] **169.** If any person, required under section 99 to give an account of the quantity and description of any property, neglects or refuses to give such account, or wilfully gives a false account, he shall be punished with fine which may extend to five rupees for every maund (of 3,200 tolas) of such property; and such fine shall be in addition to any charge to which such property may be liable.

For not giving account of goods or giving false account.

[IV of 1879, sec. 30.] **170.** Whoever, in contravention of section 100, takes with him any dangerous goods on a railway, or delivers or tenders any such goods for the purpose of being carried upon a railway, shall be punished with fine which may extend to two hundred rupees.

For taking dangerous goods on railway or delivering such goods without notice.

[IV of 1879, sec. 31.] **171.** *(1)* Any passenger travelling on a railway without a proper ticket or having such a ticket and not showing or delivering up the same when so required under section 105 shall be liable to pay the fare of the class in which he is found travelling, from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare of the class aforesaid only from the place whence he has travelled.

For travelling without ticket or not showing or delivering up ticket.

(2) Every such fare shall, on application by a railway servant to a Magistrate, and on proof of the passenger's liability, be recoverable from such passenger as if it were a fine, and shall, when recovered, be paid to the railway administration.

[New.] **172.** Any person suffering from an infectious disease, who travels in a railway carriage, knowing, or having reason to suppose, that his being in the carriage is likely to spread the infection of the disease, shall be liable to a fine not exceeding fifty rupees for each offence.

For travelling in a railway carriage when suffering from an infectious disease.

[IV of 1879, sec. 32.] **173.** Any person who defrauds, or attempts to defraud, any carrier by railway—

For evading payment of fare.

(*a*) by travelling, or attempting to travel, on any railway without having previously paid his fare; or

(*b*) by riding or attempting to ride in or on a carriage, or by a train, of a higher class than that for which he has paid his fare; or

(*c*) by using or attempting to use a ticket on any day for which such ticket is not available; or

(*d*) by continuing his journey in or upon any carriage beyond the place to which he has paid his fare, without previously paying the fare, for the additional distance;

or who, in any other manner whatever, attempts to evade the payment of his fare,

or who wilfully alters or defaces his ticket so as to render the date, number, or other material portion thereof illegible,

shall be punished with fine which may extend to fifty rupees, and shall also be liable to pay the fare (if any) which he ought to have paid; and such fare shall be recoverable in manner provided by section 171, sub-section (2), and shall, when recovered, be paid to the railway administration.

[IV of 1879, sec. 33.] **174.** Any passenger who gets into or upon, or attempts to get into or upon, or quits or attempts to quit any carriage upon any railway, while such carriage is in motion, shall be punished with fine which may extend to twenty rupees.

For entering carriage in motion.

[IV of 1879, sec. 33.] **175.** Any passenger who rides, or attempts to ride, on the steps, or any other part of a carriage, upon any railway, except on those parts which are intended for the accommodation of passengers, shall be punished with fine which may extend to fifty rupees.

For riding on the steps.

[IV of 1879, sec. 34.] **176.** Any person who, without the permission of the railway administration, rides or attempts to ride upon any locomotive engine or tender upon any railway; or in or upon any vehicle not appropriated to the carriage of passengers, shall be punished with fine which may extend to one hundred rupees.

For riding on engine, tender, &c.

[IV of 1879, sec. 35.] **177.** *(1)* Any person who, without the consent of his fellow-passengers, if any, in the same compartment, smokes in or upon any railway carriage, except in a carriage or compartment specially provided for the purpose, shall be punished with fine which may extend to twenty rupees.

For smoking.

(2) Any person who persists in so smoking (except as aforesaid) after being warned by any railway servant to desist may, in addition to incurring the liability above mentioned, be removed by any railway servant from any such carriage, and from the premises of the railway, and, where he has paid his fare and obtained a ticket, shall forfeit such fare and ticket.

[New.] **178.** *(1)* Any person who, without the consent of the station-master and of his fellow-passengers, if any, in the same compartment, takes into any compartment of a passenger carriage any live animal, such as a dog, cat, bird, or the like, shall be punished with a fine which may extend to twenty rupees.

For taking animals into passenger compartment.

(2) The fare charged for the conveyance, with due consent of the parties above specified, of any such animal in any compartment of a passenger carriage shall be at double the ordinary rate charged for the conveyance of the animal in the dog-box or other accommodation provided by the railway administration for the purpose under section 75.

(3) Any such animal so conveyed shall be removed by the station-master from the compartment without refund of fare, and placed in the dog-box or other accommodation provided for its conveyance under section 75, if, at any subsequent time during the journey, any fellow-passenger in the same compartment so requires.

[IV of 1879, sec. 36.] **179.** If any person—

For intoxication or nuisance.

(*a*) is in a state of intoxication, or

(*b*) commits any nuisance or act of indecency in any railway carriage, or upon any part of any railway, or

(*c*) wilfully and without lawful excuse interferes with the comfort of any passenger, or extinguishes any lamp in any railway carriage,

he shall be punished with fine which may extend to fifty rupees; and may be removed by any railway servant from any such carriage, and also

from the premises of the railway, and, where he has paid his fare and obtained a ticket, shall forfeit such fare and ticket.

[IV of 1879, sec. 37.]

For entering carriage or room reserved for females.

180. If any carriage, compartment, room, or place is reserved by the railway administration for the exclusive use of females, any male person who, without lawful excuse, enters such carriage, compartment, room, or place knowing the same to be reserved as aforesaid, or remains therein after having been informed of its having been so reserved, shall be punished with fine which may extend to one hundred rupees,

and may be removed therefrom, and also from the premises of the railway, by any railway servant,

and, where he has paid his fare and obtained a ticket, shall forfeit such fare and ticket.

[IV of 1879, sec. 38.]

For obstructing railway servant in his duty.

181. Whoever wilfully obstructs or impedes any railway servant in the discharge of his duty, shall be punished with fine which may extend to one hundred rupees.

[IV of 1879, sec. 39 (modified).]

For entering carriage already full.

182. Any passenger wilfully entering a carriage or compartment containing the maximum number of passengers denoted thereon, in accordance with section 103, shall be punished with fine which may extend to one hundred rupees.

[31 and 32 Vic., c. 119, s. 22, and IV of 1879, sec. 40.]

For needlessly interfering with means of communication in a train.

183. Any passenger who, without reasonable and sufficient cause, makes use of, or interferes with, the means of communication provided in any train between the passengers and the railway servants in charge of the train, shall be liable for each offence to a fine not exceeding fifty rupees.

[IV of 1879, sec. 40.]

For removing signals or injuring carriage, &c.

184. Any person who, without authority or reasonable excuse, makes, alters, shows, hides, removes, or extinguishes any signal or light upon any railway, or upon any engine, carriage, wagon or other vehicle upon a railway,

or who negligently damages any engine, carriage, wagon, or other vehicle belonging to a railway, or any warehouse, building, machine, fence, or other thing so belonging,

shall be punished with fine which may extend to one hundred rupees.

[IV of 1879, sec. 41.]

For trespass, and refusing to leave on request.

185. Any person who unlawfully enters upon a railway shall be punished with fine which may extend to twenty rupees; and if any person so entering refuses to leave such railway on being requested to do so by any railway servant, or by any other person on behalf of the railway administration, he shall be punished with fine which may extend to fifty rupees, and may be immediately removed from the railway by such servant or other person as aforesaid.

[IV of 1879, sec. 42.]

For cattle trespass and similar offences.

186. *(1)* The owner or person in charge of any bulls, cows, bullocks, calves, elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats or kids, straying on any railway provided with fences suitable for the exclusion of such animals, shall be punished with fine which may extend to ten rupees for each animal, in addition to any amount that may be recovered under the Cattle Trespass Act, 1871.

(2) Whenever any such animals are wilfully and unlawfully driven, or knowingly and unlawfully permitted to be, on any railway provided with fences suitable for the exclusion of such animals, and

whenever any such animals are wilfully driven, or knowingly permitted to be, on any railway not so provided, otherwise than for the purpose of lawfully crossing the railway, or for any other lawful purpose,

the person in charge of such animals, or if he cannot be identified, then the owner of the said animals, shall be punished with fine which may extend to fifty rupees for each animal, in addition to any amount that may be recovered under the Cattle Trespass Act, 1871.

(3) All fines imposed under this section may, if the convicting Magistrate so direct, be recovered in manner provided by section twenty-five of the Cattle Trespass Act, 1871, and may be appropriated in whole or in part in compensation for loss or damage proved to his satisfaction.

(4) The expression "public road" in sections eleven and twenty-six of the Cattle Trespass Act, 1871, shall be deemed to include a railway; and any railway servant may exercise the powers of seizure provided by the said section eleven.

[IV of 1879, sec. 43.]

For opening or not properly shutting gates.

187. Whoever knowing or having reason to believe that any engine or train is approaching along a railway opens any gate which the railway administration has set up on either side of the railway across any road for the use or accommodation of any person, or passes or attempts to pass, or drives or takes, or attempts to drive or take, any vehicle, animal, or other thing, across the railway;

and whoever at any time, in the absence of a gate-keeper, omits to shut and fasten such gate as soon as he and any vehicle, animal, or other thing under his charge have passed through the same,

shall be punished with fine which may extend to fifty rupees.

[IV of 1879, sec. 44.]

For minors obstructing line or throwing stones at train.

188. *(1)* Whenever any minor under twelve years of age unlawfully—

(*a*) places or throws, or attempts to place or throw, upon or across a railway any wood, stone, or other thing, or

(*b*) removes or displaces, or attempts to remove or displace, any rail, sleeper, spike, key, or other thing belonging to the permanent-way of a railway, or

(*c*) throws or causes to fall, or attempts to throw or cause to fall, against, into, or upon any engine, tender, carriage, or other vehicle used upon a railway, any wood, stone, or other thing,

such minor shall be deemed guilty of an offence, and the convicting Magistrate may, in his discretion, direct either that the minor, if a male, shall be punished with whipping, or that the father or guardian of the minor shall, within such reasonable time as the Magistrate may fix, execute a bond binding himself, in such penalty as the Magistrate may direct, to prevent the minor from repeating such offence.

(2) The amount of such bond, if forfeited, shall be recoverable as if it were a fine.

(3) Any person neglecting or refusing to execute a bond when required under this section so to do shall be punished with fine which may extend to fifty rupees.

[IV of 1879, sec. 45.]

189. Whoever wilfully does any act, or wilfully omits to do what he is legally bound to do, intending by such act or omission to endanger, or knowing that he is thereby likely to endanger, the safety of any person travelling or being upon any railway, shall be punished with transportation (or in the case of a European or American, penal servitude) for a term of not less than seven years, or with imprisonment for a term which may extend to ten years.

For wilful act or omission endangering persons on railway.

[IV of 1879, sec. 46.]

190. Whoever rashly or negligently does any act, or omits to do what he is legally bound to do, and such act or omission is likely to endanger the safety of any person travelling or being upon a railway, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

For rash or negligent act.

[IV of 1879, sec. 47.]

191. Every driver or conductor of an omnibus, carriage, or other vehicle shall, while in or upon any station-yard or other premises forming part of a railway, obey the reasonable directions of any railway servant duly authorized in this behalf; and every person offending against this section shall be punished with fine which may extend to twenty rupees.

Disobedience of omnibus, &c., drivers to railway servants.

(D.)—Arrest of offenders.

[IV of 1879, sec. 48.]

192. If any person commits any offence punishable under this Act, and there is reason to believe that he will abscond, or his name and address are unknown, and he refuses to give his name and address, or there is reason to believe that the name or address given by him is incorrect, any railway servant or police officer, or any other person whom such railway servant or police officer may call to his aid, may, without any warrant or written authority, arrest and detain such offender until he can be taken before a Magistrate, or give sufficient security for his appearance before such Magistrate, or is otherwise discharged by due course of law.

Arrest, for offences punishable under this Act, of offender whose name is unknown, &c.

[IV of 1879, sec. 49.]

193. Every person committing any offence mentioned in sections 67, 165, 166, 179, 180, 181, 188, 189, and 190 may be arrested without any warrant or written authority by any railway servant or police officer, or by any other person whom such servant or officer may call to his aid;

Arrest for offences against certain sections.

and every person so arrested shall, without unnecessary delay, be taken before a Magistrate authorized to punish him or to commit him for trial.

(E.)—Jurisdiction.

[IV of 1879, sec. 50.]

194. No Magistrate other than a Presidency Magistrate and a Magistrate whose powers are not less than those of a Magistrate of the second class shall try any offence under this Act.

Magistrates having jurisdiction.

[IV of 1879, sec. 50.]

195. *(1)* Any person committing any offence against this Act or the rules made under it, shall be triable for such offence in any place in which he may be found or which the Local Government may, from time to time, notify in this behalf, as well as in any other place in which he might be tried under any law for the time being in force.

Place of trial.

(2) Every notification under this section shall be published in the local official Gazette, and a copy thereof shall also be exhibited in some conspicuous place at each of such railway stations as the Local Government may direct, so that it may be easily seen and read.

(F.)—Saving of other Criminal laws.

[IV of 1879, sec. 51.]

196. Nothing in this Act shall be deemed to prevent any person from being arrested, prosecuted, or punished under any other law for any act or omission which constitutes an offence against this Act or the rules made under it:

Saving of prosecutions under other laws.

Provided that no person shall be punished twice for the same offence.

CHAPTER XIII.

ARBITRATION.

Cases in which arbitration is to have effect.

[New.]

197. When a dispute arises between two or more railway administrations, or between a railway administration and any other person or authority, and, in the opinion of the Governor General in Council, the continuance of the dispute is, or is likely to be, prejudicial to the interests of the public, the Governor General in Council may require that the difference be referred to arbitration under this chapter.

Governor General in Council may require differences to be referred to arbitration.

[New.]

198. This chapter shall apply—

Application of provisions for arbitration.

(*a*) when a dispute arises between two or more railway administrations, or between a railway administration on the one hand, and the Governor General in Council, or a Local Government, or an officer of the Governor General in Council, or of a Local Government, on the other hand, and the parties to the dispute agree to refer it to arbitration under this chapter;

(*b*) When, under the last foregoing section, the Governor General in Council requires a dispute to be referred to arbitration under this chapter.

Proceedings in arbitration.

[22 & 23 Vic. c. 59, sec. 6.]

199. Where the parties agree the reference shall be made to a single arbitrator, and, except as aforesaid, the reference shall be made as follows; namely,

Reference to arbitrators.

(*a*) Where there are two parties, the reference shall be made to two arbitrators:

(*b*) Where there are three or more parties, the reference shall be made to as many arbitrators as there are parties.

[22 & 23 Vic. c. 59, sec. 7.]

200. Where there are to be two or more arbitrators, every party shall by writing appoint one of the arbitrators, and shall give notice in writing thereof to the other party or parties.

Appointment of arbitrators by parties.

[22 & 23 Vic., c. 59, sec. 8.]

Appointment of arbitrators by Governor General in Council.

201. Where there are to be two or more arbitrators, if any of the parties fail to appoint an arbitrator within fourteen days after being thereunto requested in writing by the other party, or by the other parties or any of them, then, on the application of the parties or any of them, the Governor General in Council, instead of any party so failing to appoint an arbitrator, may appoint an arbitrator; and any arbitrator so appointed shall, for the purposes of this chapter, be deemed to be appointed by the party so failing.

[8 & 9 Vic., c. 20, sec. 130.]

In case of death or unfitness of single arbitrator the matter to begin *de novo*.

202. Where a single arbitrator has been appointed by agreement between the parties, and the arbitrator, before he has made his award, dies or becomes incapable or unfit, or for seven consecutive days fails to act as arbitrator, then, unless the parties have otherwise agreed, the matters referred to him shall be determined by arbitration, under the provisions of this chapter, in the same manner as if such arbitrator had not been appointed.

[22 & 23 Vic., c. 59, sec. 9.]

Appointment of arbitrators by parties to supply vacancies.

203. When the reference is made to two or more arbitrators, if before the matters referred to them are determined any arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as arbitrator, the party by which he was appointed shall by writing appoint an arbitrator in his place.

[22 & 23 Vic., c. 59, sec. 10.]

Appointment of arbitrators by Governor General in Council to supply vacancies.

204. Where the party by which an arbitrator ought to be appointed in the place of the arbitrator so deceased, incapable, unfit, or failing to act, fail to make the appointment within fourteen days after being thereunto requested in writing by the other party, or by the other parties or any of them, then, on the application of the parties or any of them, the Governor General in Council may appoint an arbitrator; and the arbitrator so appointed by the Governor General in Council shall, for the purposes of this chapter, be deemed to be appointed by the party so failing.

[22 & 23 Vic., c. 59, sec. 11.]

Appointment of arbitrator not revocable without mutual consent.

205. When any appointment of an arbitrator is made, the party making the appointment shall have no power to revoke the appointment without the previous consent in writing of the other party, or parties.

[22 & 23 Vic., c. 59, sec. 12.]

Appointment of umpire by arbitrators.

206. Where two or more arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their umpire.

[22 & 23 Vic., c. 59, sec. 13.]

Appointment of umpire by Governor General in Council.

207. If the arbitrators do not appoint an umpire within seven days after the reference is made to the arbitrators, then, on the application of the parties, or any of them, the Governor General in Council may appoint an umpire; and the umpire so appointed shall, for the purposes of this chapter, be deemed to be appointed by the arbitrators.

[22 & 23 Vic., c. 59, sec. 14.]

Appointment of umpire by arbitrators to supply vacancy.

208. Where two or more arbitrators are appointed, if before the matters referred to them are determined their umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as umpire, the arbitrators shall by writing under their hands appoint an impartial and qualified person to be their umpire in his place.

[22 & 23 Vic., c. 59, sec. 15.]

Appointment of umpire by Governor General in Council to supply vacancy.

209. If the arbitrators fail to appoint an umpire within seven days after notice in writing to them of the decease, incapacity, unfitness, or failure to act of their umpire, then, on the application of the parties, or any of them, the Governor General in Council may appoint an umpire; and the umpire so appointed shall, for the purposes of this chapter be deemed to be appointed by the arbitrators so failing.

[22 & 23 Vic., c. 59, sec. 16.]

New arbitrator or umpire to have the same powers as his predecessor.

210. Every arbitrator appointed in the place of a preceding arbitrator, and every umpire appointed in the place of a preceding umpire, shall respectively have the like powers and authorities as his respective predecessor.

[22 & 23 Vic., c. 59, sec. 17.]

Reference to umpire.

211. Where there are two or more arbitrators, if they do not, within such a time as the parties agree on, or failing such agreement, within thirty days next after the reference is made to the arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their umpire.

[22 & 23 Vic., c. 59, sec. 18.]

Powers for arbitrators and umpire to call for books, &c., and administer oath.

212. The arbitrator, and the arbitrators, and the umpire respectively may call for the production of any documents or evidence in the possession or power of the parties respectively, or which they respectively can produce, and which the arbitrator, or the arbitrators, or the umpire shall think necessary for determining the matters referred, and may examine the witnesses of the parties respectively on oath, and may administer the requisite oath.

[22 & 23 Vic., c. 59, sec. 19.]

Arbitration to proceed as arbitrators and umpire think fit.

213. Except where and as the parties otherwise agree, the arbitrator, and the arbitrators, and the umpire respectively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

[22 & 23 Vic., c. 59, sec. 20.]

Arbitration may proceed in absence of parties.

214. The arbitrator, and the arbitrators, and the umpire respectively may proceed in the absence of all or any of the parties in every case in which after giving notice in that behalf to the parties respectively, the arbitrator, or the arbitrators, or the umpire shall think fit so to proceed.

[22 & 23 Vic., c. 59, sec. 21.]

Several awards may be made.

215. The arbitrator, and the arbitrators, and the umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred; and every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that

notwithstanding the other matters or any of them be not then or thereafter awarded on.

[22 & 23 Vic., c. 59, sec. 22.]

Awards made in due time to bind all parties.

216. The award of the arbitrator, or of the arbitrators, or of the umpire, if made in writing under his or their respective hand or hands, and ready to be delivered to the parties within such a time as the parties agree on, or failing such agreement, within thirty days next after the matters in difference or referred to (as the case may be) the arbitrator, or the arbitrators, or the umpire, shall be binding and conclusive on all the parties.

[22 & 23 Vic., c. 59, sec. 23.]

Umpire may extend period for making his award.

217. Except where and as the parties otherwise agree the umpire may, from time to time by writing under his hand, extend the period within which his award is to be made; and if it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

[22 & 23 Vic., c. 59, sec. 24.]

Award cannot be set aside for informality.

218. No award made on any arbitration in accordance with this chapter shall be set aside for any irregularity or informality.

[22 & 23 Vic., c. 59, sec. 25.]

Awards to be obeyed.

219. Except only so far as the parties bound by any award in accordance with this chapter from time to time otherwise agree, all things by every award in accordance with this chapter lawfully required to be done, omitted, or suffered shall be done, omitted, or suffered accordingly.

[22 & 23 Vic., c. 59, sec. 26.]

Courts to give full effect to awards.

220. Full effect shall be given by all the courts in British India, according to their respective jurisdiction, and by the parties respectively, and otherwise, to all agreements, references, arbitrations, and awards in accordance with this chapter; and the performance or observance thereof may, where the courts think fit, be compelled by any process, against the parties respectively or their respective property, that the courts or any judge thereof shall direct, and where requisite frame for the purpose.

[22 & 23 Vic., c. 59, sec. 27.]

Costs of arbitration and award.

221. Except where and as the parties otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the arbitrator, and the arbitrators, and the umpire respectively.

[22 & 23 Vic., c. 59, sec. 28.]

Payment of costs.

222. Except where and as the parties otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the parties in equal shares, and in other respects the parties shall bear their own respective costs.

[New: cf. Civil Proc. Code, sec. 527.]

Power to state special case.

223. Upon any reference to arbitration under this chapter the arbitrators or umpire may, on application to, and with the consent of, any court which would have jurisdiction in the matter to which the arbitration relates, state the award as to the whole or any part thereof in the form of a special case for the opinion of the court: and the court shall deliver its opinion thereon, and the opinion shall be added to and form part of the award.

[31 & 32 Vic., c. 119, sec. 31.]

Remuneration of arbitrators, &c., appointed by the Governor General in Council.

224. The Governor General in Council may fix the remuneration of any arbitrator or umpire appointed by him in pursuance of this or any other Act in any case where a railway administration is one of the parties, and may, if he think fit, frame a scale of remuneration for arbitrators or umpires so appointed by him, and no arbitrator or umpire so appointed by him shall be entitled to any larger remuneration than the amount fixed by the Governor General in Council.

CHAPTER XIV.

NOTICES, ORDERS, &c.

[31 & 32 Vic., c. 119, sec. 37.]

Requisitions, &c., by the Director General of the Post Office.

225. All requisitions, notices, and documents which relate to a railway administration, if purporting to be signed by the Director General of the Post Office or some Deputy or Assistant to the Director General of the Post Office, or by some officer appointed for that purpose by the Director General of the Post Office, shall, until the contrary is proved, be deemed to have been so signed, and to have been given or made by the Director General of the Post Office.

[B. & N. W. Ry., cl. 52 (modified).] [Similar, E. C. Ry., cl. 89, S. M. Ry., cl. 63, Gd. Rys., cl. 27.]

Requisitions, &c., by the Governor General in Council.

226. Any notice, determination, decision, direction, requirement, requisition, demand, appointment, certificate, expression of opinion, approval or sanction to be given or signified on the part of the Governor General in Council, for any of the purposes of, or in relation to, this Act, or any of the powers or provisions therein contained, shall be sufficient and binding if in writing signed by a Secretary of the Government of India or by any other officer or servant authorized to act on behalf of the Governor General in Council in respect of the matters to which the same shall relate, and the Governor General in Council shall not in any case be bound in respect of any of the matters aforesaid unless by some writing signed in the manner before mentioned in this section.

[36 and 37 Vic., c. 66, sec. 85 part).]

Notices may be printed or written.

227. Notices, orders, and other documents under this Act, or under the special agreement, may be in writing or print, or partly in writing and partly in print.

[New. cf. B. & N. W. Ry., cl. 40, E. & W. I. Ry., cl. 64, [illegible]]

Office to be maintained in India with authorized agent.

228. Every railway company shall at all times keep an office established at some place in India, and shall keep at the said office in India an authorized agent or committee of agency with whom the Governor General in Council or any officer or officers deputed in his behalf may communicate, and every notice requiring to be given to a railway company shall be sufficiently given if left at, or transmitted to, the said office in India, or personally served on the said agent or on any member of the said committee of agency.

[New: cf. Indian Railways Act, 1879, sec. 134.]

Notices, &c., how to be served by railway administration.

229. *(1)* Any notice, order, or document required or authorized by this Act, or by the special agreement, to be served on any person by a railway administration may be served—

(*a*) by delivering the same to such person; or

(*b*) by leaving the same at the usual or last known place of abode of such person; or

(c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last-known place of abode.

(2) If the notice is served by post, it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

(3) A notice, order, or document, by this Act, or by the special agreement, required or authorized to be served on the owner or occupier of any premises, shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming them), without further name or description.

(4) A notice or document by this Act, or by the special agreement, required or authorized to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing the notice on some conspicuous part of the premises.

THE FIRST SCHEDULE.

Acts repealed.

(See section 2.)

Number and year.	Title.
IV of 1879 ...	An Act to consolidate and amend the law relating to Railways in India.
IV of 1883 ...	An Act to amend the Indian Railways Act, 1879.

THE SECOND SCHEDULE. [IV of 1879, Schedule II.]

List of articles required to be declared and insured.

(See Section 94.)

(a) Gold or silver, coined or uncoined, manufactured or unmanufactured;

(b) plated articles;

(c) cloths and tissue and lace of which gold or silver forms part;

(d) precious stones, jewellery, trinkets;

(e) watches, clocks or time-pieces of any description;

(f) Government securities;

(g) Government stamps;

(h) bills of exchange, hundis, promissory notes, bank-notes, orders or other securities for payment of money;

(i) maps, writings, title-deeds;

(j) paintings, engravings, lithographs, photographs, carvings, sculpture and other works of art;

(k) glass, china, marble;

(l) silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials;

(m) shawls;

(n) lace;

(o) opium;

(p) ivory, ebony, sandalwood, sandalwood-oil;

(q) musical and scientific instruments.

DRAFT INDIAN RAILWAY BILL.

APPENDIX A.

Showing what sections of the existing Indian Railway Acts have been included in the Draft Railway Bill with the number of the corresponding section in the Bill.

All sections of Acts IV of 1879 and IV of 1883 are included, though in some cases slightly modified, in the Draft Bill.

IV of 1879. No. of Section.	Draft Ry. Bill. Corresponding No. of Section.	IV of 1879. No. of Section.	Draft Ry. Bill. Corresponding No. of Section.
1 ...	1 ...	29 ...	169
2 ...	2 ...	30 ...	170
3 ...	3 ...	31 ...	171
4 ...	61 ...	32 ...	173
5 ...	33 ...	33 ...	174 and 175
6 ...	109 ...	34 ...	176
7 ...	134 ...	35 ...	177
8 ...	67 ...	36 ...	179
9 ...	68 ...	37 ...	180
10 ...	93 ...	38 ...	181
11 ...	95 ...	39 ...	182
12 ...	96 ...	40 ...	183 and 184
13 ...	97 ...	41 ...	185
14 ...	98 ...	42 ...	186
15 ...	99 ...	43 ...	187
16 ...	100 ...	44 ...	188
17 ...	104 and 105 ...	45 ...	189
18 ...	106 ...	46 ...	190
19 ...	107 ...	47 ...	191
20 ...	108 ...	48 ...	192
21 (IV of 1883, sec. 4).	150 ...	49 ...	193
		50 ...	194 and 195
22 ...	160 ...	51 ...	196
23 ...	161 ...	52 ...	20 and 146
24 ...	164 ...	53 ...	7
25 ...	165 ...	54 ...	6
26 ...	166 ...		
27 ...	167 ...		
28 ...	168 ...		

IV of 1883. No. of Section.	Draft Ry. Bill. Corresponding No. of Section.	IV of 1883. No. of Section.	Draft Ry. Bill. Corresponding No. of Section.
1 ...	1 ...	5D(2) ...	10
2—5 ...	33 ...	5E ...	37
5A ...	8 ...	5F ...	38
5B ...	35 ...	3 ...	67
5C ...	36 ...	4 ...	150
5D(1) ...	9 ...		

DRAFT INDIAN RAILWAY BILL.

APPENDIX B.

Showing what sections from the English Regulation of Railways Bill have been included in the Draft Indian Railway Bill, and giving the number of the corresponding section in the Indian Bill, or of the similar section if taken from a source other than the English Bill.

English Bill.	Indian Bill.		English Bill.	Indian Bill.		English Bill.	Indian Bill.	
Number of section.	Corresponding number of section.	Similar (from other source) number of section.	Number of section.	Corresponding number of section.	Similar (from other source) number of section.	Number of section.	Corresponding number of section.	Similar (from other source) number of section.
3 ...	8 ...	...	64 ...	...	100 & 170	130 ...	201 ...	...
4 ...	...	9 ...	65 ...	...	185 ...	132 ...	202 ...	...
5 ...	...	9 ...	66 ...	...	177 ...	133 ...	203 ...	...
6 ...	...	13 ...	68 ...	73, 154 & 183	...	134 ...	204 ...	...
13 ...	...	20 ...				135 ...	205 ...	...
14 ...	21 ...	...	69 ...	...	68 & 161	136 ...	206 ...	...
15 ...	...	20 ...	70 ...	81 ...	...	137 ...	207 ...	...
17 ...	...	33 ...	71 ...	82 ...	...	138 ...	208 ...	...
18 ...	...	150 ...	72 ...	...	173 ...	139 ...	209 ...	...
19 ...	...	35&150	73 ...	...	5 & 83	140 ...	210 ...	...
20 ...	...	33 ...	74 ...	...	93 ...	141 ...	211 ...	...
21 ...	39, 41 & 42.	...	75 ...	...	93 & 5	142 ...	212 ...	...
22 ...	43 ...	...	76 ...	101 ...	...	143 ...	213 ...	...
24 ...	44 & 45	...	77 ...	102 ...	...	144 ...	214 ...	...
25 ...	46 ...	...	79 ...	...	5 ...	145 ...	215 ...	...
26 ...	47 ...	...	80 ...	132 ...	...	146 ...	216 ...	...
27 ...	48 ...	...	82 ...	133 ...	...	147 ...	217 ...	...
28 ...	...	50—53	83 ...	...	109 & 160	149 ...	218 ...	...
30 ...	...	54	84 ...	...	112—131	150 ...	219 ...	...
33 ...	151 ...	...	86 ...	...	128 ...	151 ...	220 ...	...
35 ...	...	5 ...	88 ...	110 ...	...	152 ...	221 ...	...
37 ...	...	56 ...	89 ...	111 ...	...	153 ...	222 ...	...
38 ...	...	67 ...	91 ...	144 ...	...	154 ...	...	223 ...
39 ...	...	5 ...	92 ...	...	135 ...	158 ...	224 ...	...
40 ...	...	67 ...	94 ...	163 ...	...	159 ...	...	67 ...
41 ...	...	67 ...	95 ...	...	141 to 144	161 ...	...	20 ...
42 ...	...	67 ...	96 to 100	...	8 to 10 & 141 to 145	166 ...	225 ...	...
43 ...	...	67 ...	122 ...	...	135 & 162	167 ...	...	226 ...
44 ...	...	67 ...	123 ...	...	135 ...	168 ...	...	228
57 ...	...	69, 76, 77 & 78	124 ...	...	135 ...	170 ...	227 ...	...
			126 ...	...	163 ...	171 ...	229 ...	...
61 ...	85 ...	...	127 ...	...	197 & 198			
62 ...	...	165 & 166	128 ...	199 ...	...			
63 ...	...	181, 185 & 192.	129 ...	200 ...	...			

DRAFT INDIAN RAILWAY BILL.

APPENDIX C.

Showing what clauses of the various contracts with Indian railway companies have been included in the Draft Railway Bill, with the numbers of the corresponding sections in the Draft Bill.

Draft Railway Bill. No. of Section.	Bengal Central Railway. No. of Clause.	Bengal and North-Western Railway. No. of Clause.	Guaranteed Railway Contracts No. of Clause.	Draft Railway Bill. No. of Section.	Bengal Central Railway. No. of Clause.	Bengal and North-Western Railway. No. of Clause.	Guaranteed Railway Contracts. No. of Clause.
13 ...	...	...	1 & 2	65 ...	...	22 ...	...
14 ...	...	...	3	66 ...	...	22 ...	...
17 ...	5 ...	...	...	69 ...	...	23 ...	...
18 ...	...	5	...	71 ...	...	24 ...	...
22 ...	...	14	...	83 ...	...	30 ...	...
23 ...	43 & 44	...	...	84 ...	...	32 ...	...
24 ...	16 ...	...	...	86 ...	...	33 ...	...
25 ...	16 ...	...	...	87 ...	...	34 ...	...
26 ...	15 ...	...	...	88 ...	...	35 ...	...
27 ...	15 ...	...	...	91 ...	...	36 & 37	...
30, 31 & 32	17 ...	...	...	135 ...	...	42 ...	...
56 ...	13 ...	...	...	137 ...	...	43 ...	...
57 ...	13 ...	...	...	138 ...	...	44 ...	...
58 ...	14 ...	...	...	139 ...	...	45 ...	...
60 ...	...	15	...	140 ...	...	47 ...	...
62 ...	...	16, 17, & 18	...	142 to 145	...	46 ...	...
64 ...	...	22	...	226 ...	...	52 ...	...

DRAFT INDIAN RAILWAY BILL.

APPENDIX D.

Showing what provisions of the Contracts with the principal Indian railway companies have been excluded from the Draft Bill, and why they have been so excluded in each case.

Nature of Provision.	Contracts. B. C. Railway. Clause.	B. & N.-W. Railway. Clause.	S. M. Railway. Clause.	Guaranteed Railways. Clause.	Remarks.
Interpretation of terms ...	1	1	1	Preamble	Special.
Duration of Contract ...	7	2 & 8	2	9	Do.
Description of Railway ...	2	3	3	1	Do.
Repayment of preliminary Expenditure incurred by Government ...	3	6	6	...	Do.
Money Capital ...	19	...	26	6	Do.
Drafts on Capital ...	20	...	29	7	Do.
Deficiency of Money Capital	21	40 & 41	28, 29 & 30.	17	Do.
Guarantee of interest ...	22 & 23	...	27	16	Do.
Deposits of revenue ...	27(*a*)	...	31 & 32	15	Do.
Application of receipts ...	24&27(*b*)	39	42	18	Do.
Ultimate lapse of property to Government.	41 & 44	55, 56 & 58.	65—68	20	Do.
Purchase by Government ...	42 & 44	57, 58 & 60.	65—68	22	Do.
Provision for surrender by Company.	...	...	65—68	21	Do.
Return of surplus ...	35	...	...	26	Do.
Rate of exchange ...	33	61	26, 27 & 29.	7	Do.
Annuity Commutation ...	...	...	...	25	Do.
Legislation in India ...	38	50 & 51	59 & 60	29	Superfluous.
Supervision and Control of Government.	...	...	51—54	10	Special provision superfluous, *vide* Chaps. II and XI of Bill.
Construction of Extensions	...	...	48	...	Special.
Construction, acquisition and working of Auxiliary or Branch Railways.	...	...	49	...	Superfluous.
Establishment, &c., of Provident Institution.	...	...	61	...	Do.

The 3rd November 1884.

No. 270.—Colonel R. Home, C.S.I., R.E., Chief Engineer and Joint Secretary to the Government of the Punjab, Public Works Department, is appointed to officiate as Inspector General of Irrigation and Deputy Secretary to the Government of India in the Public Works Department, during the absence of Colonel H. A. Brownlow, R.E., on privilege leave or until further orders.

Major J. H. Western, R.E., Superintending Engineer, 3rd Class, Punjab, will, during Colonel Home's absence, officiate as Chief Engineer and Joint Secretary to the Government of the Punjab in the Public Works Department.

The 5th November 1884.

No. 271.—The following is published for general information in the Public Works Department:—

No. 12166., dated 15th October 1884.

RESOLUTION—By the Government of India, Public Works Department.

Rules under which the Civil Engineers' Provident Fund is to be conducted.

Read again—

Despatch from the Secretary of State, No. 18, dated 22nd March 1883.
Notification of the Government of India in the Department of Finance and Commerce, No. 449, dated 18th April 1884.

RESOLUTION.—In accordance with instructions from the Secretary of State, the Governor General in Council has approved of the institution of a Provident Fund to which all Civil Engineers in the Public Works Department are permitted to subscribe. His Lordship does not desire, in the first instance, to make subscription to the fund obligatory either on those now in the Department or on those who may hereafter be appointed, but prefers that it shall be established on the basis of encouraging members of the Department to save a certain proportion of their salaries by allowing interest on their contributions. The ultimate form which the conditions of subscription will assume will be further considered when it has been ascertained by experience to what extent officers now in the Department look upon the institution of such a fund as an advantage.

2. The rules under which the fund will for the present be conducted are annexed to this Resolution.

3. As announced in Resolution in the Department of Finance and Commerce, No. 449, dated 18th April 1884, payment may be made to the fund calculated on salaries received since 1st April last; but interest will only be allowed from the dates of deduction or payment of deposits.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Panjab.
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Biluchistan.
The Accountant General, Public Works Department.
The Inspector General of Military Works.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore, and Lucknow.
The Director General of Telegraphs in India.

ORDER.—Ordered, that this Resolution be communicated to Local Governments and Administrations and Officers named in the margin for information and guidance.

CIVIL ENGINEERS' PROVIDENT FUND.

I.—The institution of a Voluntary Provident Fund on the following basis is sanctioned for the officers of the Public Works Department indicated in the margin :—

Character of the Fund.

1. Civil Engineers on the effective list of the Public Works Department.
2. Civil Engineers transferred to the Accounts Branch, or the Superior Railway Revenue Establishment, or to foreign service under Chapter III of the Civil Pension Code.
3. All civil members of the Superior Accounts Establishment who are not Civil Engineers.

(1) The monthly deposit may be not less than 5 per cent. and not more than 10 per cent. on the salary (as defined in the Financial Codes) of each depositor for that month.

(2) The deposits will be voluntary, and may be discontinued and renewed at the option of the depositor.

(3) Compound interest at 4 per cent. on such payments will be annually credited by Government to each officer subscribing.

(4) The sum which will thus accumulate to the credit of an officer to be his absolute property, to be handed over to him unconditionally on quitting the service, or, in the event of his death before retirement, to his legal representatives.

Management of the fund.

II.—The deposits received under the foregoing resolution will be placed in a Government Savings Bank named "Civil Engineers' Provident Fund." This bank will be managed by and be held in the books of the Accountant General in the Public Works Department.

Receipt of deposits.

III.—Deposits will be received by the various Examiners of Public Works Accounts throughout India. They will be recovered by deduction from the pay-bills, or may be made in cash. Deposits cannot be made otherwise than through an Examiner of Public Works Accounts.

IV.—No withdrawal will ordinarily be allowed from the deposit until the depositor quits the service or dies. But on Local Governments or Administrations being satisfied that the pecuniary circumstances of a depositor are such that the indulgence is absolutely necessary, a deposit may be temporarily withdrawn under orders issued by the respective Local Governments and Administrations—

(i) to pay for the passage of the depositor going on leave out of India on medical certificate, or returning after such absence;

(ii) to pay for the passage of any member of the depositor's family coming from beyond the sea to join him, or going beyond the sea sick or from some urgent cause.

V.—Withdrawals under Rule IV will be recovered in 20 equal monthly instalments compulsorily deducted from salary whenever full salary is drawn until the whole is refunded.

VI.—The balances of deceased depositors will be paid according to Rules 58 and 59, Chapter 19, of the Civil Account Code, and Act V of 1873.

VII.—All sums received from depositors will be credited, and all sums withdrawn will be charged, under the head "Civil Engineers' Provident Fund."

Examiner's account of deposit.

VIII.—The Examiner will furnish the Accountant General in the Public Works Department with a monthly statement of the sums he may receive on account of the fund. This statement will contain (1) the dates of receipt; (2) the numbers of the depositors' accounts; (3) name and official designation of the depositors; and (4) amounts of deposits. The total of this statement will agree with the corresponding credit in the Examiner's account as rendered to the Accountant General. For number of depositors' account, see below Rule X.

Examiner's account of withdrawals.

IX.—The Examiner will furnish the Accountant General in the Public Works Department with a monthly statement of withdrawals. This statement will give the following particulars, and the total of it will agree with the corresponding debit in the Examiner's monthly account as rendered to the Accountant General :—(1) dates of payments; (2) numbers of depositors' accounts; (3) names and official designations; (4) amounts paid; (5) number and date of the orders of the Local Government or Administration for payment as prescribed in Rule IV. This order will be attached to the statement as voucher for the payments. For number of account, see below Rule XI.

Depositor's ledger.

X.—The account of each depositor will be posted in a ledger, to be kept by the Accountant General in the Public Works Department. The ledger will be closed as soon as possible after 31st March of each year.

Number of depositors' accounts.

XI.—Every account in this ledger will receive a distinct number. The number so given to the depositors' accounts will be consecutive. A depositor's number will not be altered, nor will the numbers of closed accounts be given to new

depositors. The Accountant General will notify to the Examiner concerned the numbers given to a depositor's account immediately after his first deposit, and this number will be quoted against all further deposits, and all withdrawals in the statements prescribed in Rules VIII and IX. In the event of the depositor's transfer, the number will be noted on his last-pay certificate, in order that the next Examiner may be able to quote it in his deposit statements.

Interest.

XII.—Interest will be allowed for each calendar month upon the minimum balance of the depositor's account between the close of the fourth day and the end of the month. In calculating interest under this rule the deposits received by deduction from salary will be considered as paid into the fund on the 1st of the month succeeding that for which the salaries from which the deductions are made are due. The interest will be calculated monthly as provided for in the form of ledger, but will not be added to principal until the end of the official year, except when the account is to be finally closed, in which case the interest will be paid at the same time as the principal. The Accountant General in the Public Works Department, in communication with the Comptroller General, will adjust the interest in the accounts of the year for which it is allowed.

Half-yearly advice to depositors.

XIII.—As soon as possible after the 31st March and 30th September of each year, the Accountant General, Public Works Department, will send to each depositor a statement of his account in the form annexed. Depositors are required to satisfy themselves as to the correctness of these statements; and unless errors in them are brought to the notice of the Accountant General within one month from the date of their receipt, Government will not be responsible for any sums not thus acknowledged.

CIVIL ENGINEERS' PROVIDENT FUND. ...

Deposit account of (name) (designation) *Deposit No.* ——— *with the Civil Engineers' Provident Fund for and up to the end of the half-year ending the* ——— 188 .

During the month of ———	Deposits.			Interest.			Withdrawn.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
(Each month to be entered consecutively.)									
Total									

Statement of account for and up to the end of the half-year ending ——— 188 .

	Rs.	A.	P.
Balance on 1st ... 188 , including interest			
Additions during the year ...			
Interest ...			
Total ...			
Deduct withdrawals ...			
Balance on ... 188 ...			

Remarks.

Lieut.-Colonel, R.E.,
Accountant General, Public Works Department.

Dated ———

12

No. 272.—The services of Major A. J. C. Cunningham, R.E., Executive Engineer, 2nd Grade, are replaced at the disposal of the Military Department, with effect from such date as he may be relieved of his duties in the North-Western Provinces and Oudh.

No. 273.—Mr. C. Swappe, Executive Engineer, 2nd Grade, is appointed to officiate as Engineer-in-Chief of the Bhopal State Railway, with effect from the afternoon of the 15th October 1884, during the absence on sick leave of Mr. H. T. Geoghegan, or until further orders.

This cancels Public Works Department Notification No. 231, dated 25th September 1884.

No. 274.—Captain W. W. B. Whiteford, R.E., Executive Engineer, 3rd Grade, is transferred from the Establishment under the Government of Bombay to that under the Director General of Railways.

No. 275.—Lieutenant W. R. Morton, R.E., is appointed to the Public Works Department as Assistant Engineer, 2nd Grade, and posted to British Burma.

The 6th November 1884.

No. 276.—The services of Captain H. A. Yorke, R.E., Executive Engineer, 3rd Grade, North-Western Provinces and Oudh, at present on furlough, are replaced temporarily at the disposal of the Military Department, with effect from 13th September 1884.

7th November 1884.

No. 277.—Mr. R. C. F. Volkers, Deputy Examiner, is transferred from the Office of the Examiner, Guaranteed Railway Accounts, Madras, to that of the Examiner of Accounts, Indus Valley State Railway.

No. 278.—Mr. C. E. Housden, Assistant Engineer, 1st Grade, Rajputana, is promoted to Executive Engineer, 4th Grade, *temporary rank*, from the 19th October 1884.

No. 279.—Captain M. C. Brackenbury, R.E., Executive Engineer, 2nd Grade, is appointed to act as Deputy Consulting Engineer for Railways, Bombay, during the absence on privilege leave of Colonel J. Bonus, R.E., or until further orders.

This cancels Public Works Department Notification No. 171, dated 24th July 1884.

No. 280.—The services of Mr. G. M. Drury, Class II of the State Railway Superior Revenue Establishment, Traffic Department, are, on return from furlough, placed at the disposal of the Director General of Railways.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

Nº 46. SIMLA, SATURDAY, NOVEMBER 15, 1884.

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

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SUPPLEMENT No. 46.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 10th November 1884.

No. 1861.—Under the provisions of Section 9 of the Statute 24 & 25 Vic., cap. 67, the Governor General in Council is pleased to direct that His Excellency's Council shall assemble at Calcutta in the jurisdiction of the Lieutenant-Governor of Bengal.

The 13th November 1884.

No. 1877.—With reference to Home Department Resolutions Nos. 26-963, dated the 19th July 1883 (paragraph 5), and No. $\frac{31}{1336-45}$, dated the 23rd August 1884, it is hereby notified that the examination prescribed for the filling up of vacancies in the clerical establishments of the Secretariat Offices of the Government of India and the Departments directly attached thereto will be held at Calcutta, in the Senate House of the Calcutta University, and at Allahabad and Lahore, at the places to be appointed by the Governments of the North-Western Provinces and Oudh and the Punjab, respectively, on Tuesday, the 13th January 1885, and following days. The hours of examination will be from 10 A.M. to 1 P.M. and from 1-30 P.M. to 4-30 P.M. daily.

The probable number of vacancies to be competed for is 30 in the Lower Division. There will be no examination for the Upper Division.

Candidates should pay the prescribed fee (Rs. 10) into the nearest Treasury, and forward the Treasury receipt to the Secretary to the Board of Examiners. Candidates paying their fees in Calcutta should pay them into the Bank of Bengal.

Application for permission to appear at the examination should, as directed in the Home Department Resolution of 19th July last, be made to the Secretary to the Board of Examiners, Calcutta, between the 1st and 15th days of December next (inclusive).

The attention of intending candidates is called to paragraphs 7 and 8 of the Resolution of 19th July last, prescribing the particulars* and documents which should accompany the application for permission to appear at the examination.

* (1) Evidence that the candidate is not less than 18 and not more than 24 years of age.

(2) A certificate that the candidate is of good moral character from the head of the Institution in which he has last been educated, or (when a year or more has elapsed since his education terminated) from some respectable householder, to whom he is well known in private life, and who is himself personally known to the head of some Government Office, this last fact being certified by the countersignature of the officer in question.

ESTABLISHMENTS.

The 11th November 1884.

No. 247.—Consequent on the return of Mr. D. M. Smeaton, C.S., Secretary to the Chief Commissioner of British Burma in the Land Revenue and Agricultural Department, to the North-Western Provinces, His Excellency the Governor General in Council has been pleased to sanction the following arrangements:—

Mr. H. Thirkell White, Acting Junior Secretary to the Chief Commissioner, to officiate temporarily, in addition to his own duties, as Secretary to the Chief Commissioner in the Land Revenue and Agricultural Department, from the date of Mr. Smeaton's giving over charge.

Mr. J. E. Bridges, Settlement Officer of Bassein, to officiate as Secretary to the Chief Commissioner in the Land Revenue and Agricultural Department and as Director of Agriculture from the 5th November, or any subsequent date on which he may assume charge.

MEDICAL.

The 10th November 1884.

No. 509.—Dr. R. M. Meiklejohn is appointed to be Civil Surgeon, Chhindwara, in the Central Provinces.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—SURVEYS.

Simla, the 11th November 1884.

No. 649—52-14 *S.*—Brevet Colonel B. R. Branfill, Deputy Superintendent of the 1st Grade, Survey of India Department, is permitted to retire from his appointment from the 10th instant. Colonel Branfill's services are accordingly placed at the disposal of the Military Department, with effect from the date of his retirement.

No. 650—52-14 *S.*—Mr. A. D'Souza, Surveyor, 1st Grade, is promoted to be an Assistant Superintendent of the 2nd Grade, Survey of India Department, with effect from the date of Mr. Hennessey's retirement.

AGRICULTURE.

The 11th November 1884.

No. 992—158-9 *A.*—The services of Mr. D. M. Smeaton, C.S., late Secretary to the Chief Commissioner in the Land Revenue and Agricultural Department and Director of the Agricultural Department, British Burma, are replaced at the disposal of the Government of the North-Western Provinces and Oudh, with effect from the date on which he made over charge of his appointment in British Burma.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—INTERNAL.

Simla, the 10th November, 1884.

No. 4130 *I.*—With reference to Foreign Department Notification, No. 7D.C.P., dated the 1st January, 1877, His Excellency the Viceroy and Governor-General is pleased to recognise as hereditary the title of "Maharaja" thereby conferred as a personal distinction upon Rajkrishna Singh, Raja of Susang, in the Mymensingh District, Bengal.

The 13th November, 1884.

No. 4148 *I.*—Under Section 320, Clause *k*, of the Criminal Procedure Code (Act X of 1882), the Governor-General in Council is pleased to exempt the following officials employed upon the Rajputana-Malwa Railway from service as Jurors or Assessors in criminal trials held in any Court in Rajputana:—

1. The Manager.
2. Engineers in charge of the line.
3. Engineering Inspectors employed on the line.
4. Locomotive Foremen, or Drivers in charge of changing stations.
5. Drivers of pilot engines.
6. District and Assistant Superintendents of Locomotive Department.
7. District Superintendents of Traffic.
8. Assistant Superintendents of Traffic.
9. Station Masters.
10. Guards.

EXTERNAL.

The 12th November, 1884.

No. 2936 *E.*—In exercise of the powers conferred by the Assam Frontier Tracts Regulation, 1880, as amended by Regulation III of 1881, the Governor-General in Council is pleased to direct that the Assam Frontier Tracts Regulation, 1880, shall extend to the Mikir Hills Tract in the Nowgong district, and shall come into force in that tract from this date.

The boundaries by which the Mikir Hills Tract is separated from the adjoining territory in British India are as follows:—

From the trijunction point of the Nowgong, North Cachar, and Naga Hills districts at the place where the Longpher river joins the Diyung; northwards along the boundary line separating the Nowgong and Naga Hills districts to the trijunction point of the Nowgong, Naga Hills, and Sibsagar districts; thence along the Koliani river where it forms the boundary between the Nowgong and Sibsagar districts; thence from the point where the Koliani river ceases to flow immediately at the foot of the Mikir Hills, a line following the northern, western, and southern slopes of those hills (excluding all waste land grants which lie along their base, or on their lower slopes) to the point where the Dikharu river flows out of the hills; then down that stream to its junction with the Jamuna river; then down the Jamuna river to its junction with the Kopili; then up the Kopili to the northern boundary of the Rangkhang mouza (excluding all tea gardens which lie in the Kopili valley) and along that boundary to the Latumai river; then down the Latumai to the Borpani; then up the Borpani to the trijunction point of Dwar Singimari and Mouzas Rangkhang and Garubat; thence along the western boundary of Mouza Garubat to the confluence of the Senanadi and the Borpani river; then along the northern boundary of Dwarharlok and Dwaramlaparbat to the Umiani river at the northern boundary of the Khasi Hills district; then along the northern slopes of the hills to the trijunction pillar of the Nowgong, Kamrup, and Khasi Hills districts; thence the line followed is the boundary between the Nowgong and the Khasi Hills districts as laid down by the Chief Commissioner of Assam in Notification, No. 32 (Judicial Department), dated the 12th April, 1882, and after that the northern boundary of the North Cachar Frontier Tract as described in the Notification, No. 989E., dated the 22nd April, 1884, by the Government of India in the Foreign Department, published in the *Gazette of India* of the 29th idem, to the trijunction point on the Diyung river whence the line designated in this Notification started.

GENERAL.

The 8th November, 1884.

No. 2158 *G.*—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. Alfred Ritz as Acting Consul for the Austro-Hungarian Empire, at Calcutta, during the absence of Mr. H. Reinhold.

The 11th November, 1884.

No. 2169 *G.*—With reference to Foreign Department Notification, No. 1614G. of the 20th August, 1884, Mr. J. Janni, Consul for Sweden and Norway, at Bombay, resumed charge of his office on the 29th October, 1884.

No. 2181 *G.*—Surgeon-Major O. T. Duke, M.B., Officiating Political Agent of the 3rd Class, and Political Agent, Kelat, is granted privilege leave for one month, with effect from the 1st November, 1884.

The 12th November, 1884.

No. 2187 *G.*—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mirza Mahomed Sadik as Vice-Consul for Persia, at Karachi.

The 13th November, 1884.

No. 2211 *G.*—With reference to Foreign Department Notification, No. 924G. of the 8th May, 1884, Mr. J. Woodtli, Consul for the German Empire, at Aden, resumed charge of his office on the 17th October, 1884.

No. 2214 *G.*—With reference to Foreign Department Notification, No. 927G. of the 8th May, 1884, Mr. J. Woodtli, Consul for the Netherlands, at Aden, resumed charge of his office on the 17th October, 1884.

The 14th November 1884.

No. 2219 *G.*—Foreign Department Notification, No. 1120G., dated the 3rd June, 1884, granting examination leave to Lieutenant C. E. Hodgson, of the Meywar Bhil Corps, is hereby cancelled.

H. M. DURAND,
Offg. Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 6th November 1884.

No. 4361.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read—

Letter from the Mint Master, Bombay, No. 1029, dated the 6th September 1884, forwarding the Reports on the working of the Mints at Calcutta and Bombay for the year 1883-84.

RESOLUTION.—The value of gold received in the Calcutta Mint from private persons during 1883-84 amounted to Rs. 1,09,698; it was Rs. 1,88,216 in the previous year; so that there was a decrease of Rs. 78,518. Gold was not coined in 1883-84, the balance of mohurs at the Bank of Bengal being sufficient to meet the certificates issued on it. Nor was any gold coined in the Bombay Mint. No gold was received from Government Treasuries during the year. The net imports of gold into India in the year amounted to Rs. 5,46,33,156 against Rs. 4,93,08,715 in the previous year.

2. Silver amounting to Rs. 91,29,512 was received in the Calcutta Mint from private persons during the year; in 1882-83 the amount was Rs. 81,00,533. The sum transferred for coinage from the Paper Currency Department was Rs. 69,94,198 against Rs. 88,58,710 in the previous year.

3. In the Bombay Mint the amount of silver received from private persons was 345½ and 317 lakhs during the years 1882-83 and 1883-84. The sum transferred by the Paper Currency Department for coinage in 1883-84 was Rs. 2,53,94,455* against Rs. 4,25,82,408 in 1882-83. The receipt of uncurrent coin during 1883-84 was Rs. 12,02,510. The amount so received in the Mint at Calcutta was Rs. 40,44,329. The loss on the receipt of these sums was Rs. 30,394 or 2½ per cent. in the Bombay Mint, and Rs. 54,767 or 1·3 per cent. in the Mint at Calcutta. The heavier loss in Bombay is due to the coins tendered for recoinage having lost more than 2 per cent. in weight. Old Portuguese coin amounting to Rs. 46,976 was received in the Bombay Mint during 1883-84 against Rs 8,61,564 in the previous year, and British Indian silver coin to the value of Rs. 1,558 was also received in the same Mint from Goa. The total coinage of gold, silver, and copper at each Mint is shown separately for the last five years in the following table :—

* Including a remittance of uncurrent coin amounting to Rs. 3,53,415.

	Calcutta.					Bombay.				
	1879-80.	1880-81.	1881-82.	1882-83.	1883-84.	1879-80.	1880-81.	1881-82.	1882-83.	1883-84.
Tale of pieces of all kinds ...	74,181,243	24,408,796	17,785,150	99,298,537	95,197,621	81,215,596	31,986,936	22,207,320	71,076,331	45,681,476
Value—	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Gold	1,46,040	1,33,545	3,39,705	1,74,945	...	1,255	...	...	...	...
Silver	2,13,54,164	1,05,09,825	84,77,510	1,42,99,076	1,27,40,606	8,12,15,511	3,19,86,936	1,33,85,242	5,07,85,494	2,38,87,405
Copper	7,07,900	1,85,600	39,050	8,62,580	11,54,245	...	...	50,009	2,14,214	2,19,389
Total ...	2,22,08,104	1,06,28,970	88,57,165	1,53,36,601	1,39,00,851	8,12,16,766	3,19,86,936	1,34,35,251	5,09,99,708	2,41,06,794

4. The coinage of silver at both Mints during 1883-84 was much smaller than in the previous year, amounting to Rs. 3,66,34,011 against Rs. 6,50,84,570 in 1882-83.

5. The coinage of copper amounted to Rs. 11,54,245 in the Calcutta Mint and to Rs. 2,19,389 at Bombay. The coinage in both Mints largely exceeded that of the previous year, the total value amounting to Rs. 13,73,634 against Rs. 10,76,794 in 1882-83. Copper coin for the Straits Settlements amounting to Rs. 2,03,445 was struck in the Calcutta Mint in 1883-84 against Rs. 22,905 in 1882-83.

No silver or copper coins were struck during the year under review for the Portuguese Indian Government. Up to the close of 1883-84 Portuguese silver coin to the value of Rs. 19,07,931 (British Indian Currency) had been received in the Bombay Mint, and replaced by new coin to the value of 21½ lakhs. The withdrawal from circulation of old Portuguese copper coin continued during the year, the value of such coin received in the Bombay Mint for destruction having amounted to Rs. 1,17,083. The whole value of Portuguese copper coin received up to the end of 1883-84 was Rs. 2,25,366 (British Indian Currency), and the new coin issued to replace the old currency amounted in value to half a lakh of rupees.

6. The net imports of silver and the coinage in each year in both the Mints from 1872-73 are :—

	Net Imports. Lakhs.	Coinage. Lakhs.
1872-73	72	398
1873-74	249	237
1874-75	464	490
1875-76	155	255
1876-77	720	627
1877-78	1,468	1,618
1878-79	397	721
1879-80	787	1,025
1880-81	389	425
1881-82	538	219
1882-83	748	651
1883-84	641	366

The Mint Master at Bombay states that only 317 lakhs of silver out of the 523 lakhs imported there (net) were tendered for coinage, the excess, consisting of fine silver in bars, having been absorbed by the Native States in Central India.

7. In addition to imported silver, bullion in the form of native coin and ornaments was received for coinage in the Bombay Mint as follows—

	Native silver ornaments. Lakhs.	Native coin. Lakhs.
1877-78	124	...
1878-79	116	67
1879-80	92	45
1880-81	10	25½
1881-82	4	1
1882-83	½	15½
1883-84	½	1¼

Bullion in this form is not sent to the Calcutta Mint. As indicating continued prosperity in the country, it is satisfactory to see that the melting of silver ornaments has almost ceased for the last two years.

8. The operative losses during the years 1882-83 and 1883-84 were respectively—in Calcutta Rs. 1,05,258 and Rs. 89,693, and in Bombay Rs. 94,289 and Rs. 66,387. These sums include losses on account of the withdrawal of old coins to the extent of Rs. 68,455 and Rs. 54,767 in the Calcutta Mint, and Rs. 29,694 and Rs. 30,394 in the Bombay Mint.

9. The proportion of loss in the melting and coining of silver has been as follows in Calcutta and Bombay per hundred tolahs :—

	Melting.		Coining.	
	Calcutta.	Bombay.	Calcutta.	Bombay.
	Pies.	Pies.	Pies.	Pies.
1879-80	9·8	5	17	12
1880-81	9·2	5	15·5	14
1881-82	6·7	7	9	7
1882-83	7·87	7·5	9·1	6
1883-84	7·2	9·5	8·62	6

10. In respect of loss both in melting and coining, the work of the year in Calcutta was an improvement on that of the previous year. In the Bombay Mint the loss on coining was kept low, owing in some measure to the introduction of the system obtaining in Calcutta of annealing bits; but the increase of the loss in melting is not satisfactory. The Mint Master's conclusion that the increased loss is the result of carelessness on the part of the staff and of petty pilfering is probably correct, and the facts elicited in connection with the robbery of silver from the Mint last May tend to show that more careful supervision of the Melting Department is required.

11. The total revenue and expenditure of each of the Mints from 1879-80 to 1883-84 are shown below :—

	Revenue.		Expenditure.	
	Calcutta.	Bombay.	Calcutta.	Bombay.
	Rs.	Rs.	Rs.	Rs.
1879-80	5,17,277	18,51,834	10,60,646	11,06,806
1880-81	2,32,366	6,41,704	8,61,901	7,74,325
1881-82	2,11,295	3,83,528	8,90,413	6,45,716
1882-83	2,70,213	11,57,658	10,51,988	9,42,708
1883-84	2,23,937	5,57,634	9,75,327	7,46,422
Total ...	14,55,088	45,92,358	48,40,275	42,15,977

The total revenue of both Mints during the last five years has been Rs. 60,47,446, and the total charges Rs. 90,56,252, showing a total loss for this period of Rs. 30,08,806, or an average annual loss of Rs. 6,01,761.

12. The expenditure on account of salaries and establishments in the two Mints was as follows :—

	Calcutta.		Bombay.	
	1882-83.	1883-84.	1882-83.	1883-84.
	Rs.	Rs.	Rs.	Rs.
Fixed establishment	2,19,700	2,07,581	2,21,041	2,19,186
Extra	67,632	64,960	48,607	22,252
Total ...	2,87,332	2,72,541	2,69,648	2,41,438

The saving (Rs. 14,791) in the Calcutta Mint was the result of the retirement of Major-General Tennant and of the reduction of establishments, both fixed and extra, in the Operative Department on account of the reduced coinage of silver. The expenditure for extra establishment includes Rs. 4,145 in 1883-84, being the cost of establishment employed in the manufacture of cartridge metal which has now ceased.

The decrease in the fixed (*i.e.*, permanent) establishment in the Bombay Mint is due to the furlough for eight months granted to Colonel White from the first week of May. As in the Calcutta Mint, the saving in the extra establishment is the result of the smaller coinage of the year.

13. The expenditure on stores was Rs. 63,594 and Rs. 65,019 in the Calcutta Mint during 1882-83 and 1883-84, and Rs. 87,650 and 63,208 in Bombay.

The decrease in the Mint at Bombay was due to the smaller consumption of stores resulting from the smaller coinage.

14. An addition of Rs. 32,743 was made to the Capital Account of the Calcutta Mint on account of buildings and plant during the year. There was no outlay of this class in the Mint at Bombay.

The total at debit of Capital Account to end of 1883-84 was Rs. 74,41,731 in Calcutta and Rs. 34,24,238 in Bombay. The details are shown below :—

	Calcutta.	Bombay.
	Rs.	Rs.
Land	20,09,200	12,62,200
Plant	22,41,288	5,97,225
Buildings	31,88,243	15,64,813
Total ...	74,41,731	34,24,238

15. The Governor General in Council notes with satisfaction the adoption in the Bombay Mint of an improved method of examining coins resulting in greater expedition, and agrees with Colonel White that credit is due to Mr. English, from whose drawings the apparatus was constructed. The automaton weighing machines are said to have worked well. The electro-dynamic machine, however, got out of order and cannot be repaired in this country. No coins were therefore electro-adjusted during the year.

16. The gain on copper coinage in both Mints for the last three years is shown below :—

	Rs.
1881-82	1,39,707
1882-83	3,50,091
1883-84	5,60,227

ORDERED, that this Resolution be published in the *Gazette of India* and communicated to the Mint Masters, Calcutta and Bombay.

Ordered also, that the Resolution be communicated to the Comptroller and Auditor General, with a request that he will report the net gain on copper coinage annually in time for inclusion in the annual Resolution on the reports of the Mints.

The 11th November 1884.

No. 4449.—Whereas under the terms of the Notification in the Department of Finance and Commerce, No. 3646, dated 13th November 1880, the Municipality of Karachi has paid Rs. 557-8-0 as composition for the stamp duty chargeable on a sum of Rs. 1,11,500 which the said Municipality was authorised to borrow by the issue of debentures bearing dates the 1st July 1884 and 1st July 1885.

Therefore in exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council has exempted the said debentures from the payment of any stamp duty, with which they might otherwise be chargeable, whether on issue, renewal, or subdivision.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 14th November, 1884.

APPOINTMENTS.

No. 603.—PUNJAB FRONTIER FORCE—

5th Goorkha Regiment.

Lieutenant E. de S. Smart, Officiating Wing Officer, on probation, 40th Native Infantry, to be Officiating Wing Officer, on probation.

No. 604.—VOLUNTEER CORPS—

Rohilkhand Volunteer Rifle Corps.

Walter Erskine Neale, Esq., C.S., to be Major-Commandant, *vice* Major P. H. Wallerstein, resigned.

FURLOUGH AND LEAVE.

No. 605.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel C. J. Durand, Bengal S. C., Military Accountant, 1st class, 1st grade, (m. c.) for one year,—146 days under rules IX and XV, and the remaining period under rule XIV, clause 2, of the regulations of 1868.

Conductor J. Symington, Ordnance Department, (m. c.) for one year,—104 days under rule I, and the remaining period under rule VI of the regulations of 1875.

No. 606.—Major and Brevet Lieutenant-Colonel H. M. Buller, Cavalry, Squadron Commander and 2nd-in-Command, 1st Regiment, Central India Horse, is granted leave in India (p. a.) for the 2nd and 3rd June, 1884, under rule XXV of the regulations of 1868.

No. 607.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Lieutenant-Colonel and Brevet Colonel A. E. Campbell, Bengal S. C., (p. a.) for 244 days.

Lieutenant-Colonel F. Knowles, Bengal S. C., (p. a.) for 25 days.

Lieutenant-Colonel H. B. Hanna, Bengal S. C., (m. c.) for six months.

PROMOTIONS.

No. 608.—The names of the following officers of the Bengal Staff Corps are moved up on the Indian Gradation List, under the provisions of the Royal Warrant of the 10th November, 1881 :—

Placed on the list of Generals.

Lieutenant-General (now General) W. T. Hughes, C.B.

Placed on the list of Lieutenant-Generals.

Major-General Sir C. C. G. Ross, K.C.B.

Major-General Sir P. S. Lumsden, K.C.B., C.S.I.,

in consequence of the transfer to the unemployed supernumerary list of the undermentioned officers of the Bengal Staff Corps on the 23rd August, 1884, and the 7th September, 1884, respectively :—

General C. T. Chamberlain, C.S.I., and Lieutenant-General Sir S. J. Browne, K.C.B., K.C.S.I., V.C.

No. 609.—The following promotions are made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major James L. N. Willis,—13th November, 1884.

To be Captains.

Lieutenant Goodson Adye,—13th November, 1884.

Lieutenant Henry Brabazon Urmston,—13th November, 1884.

Lieutenant Henry Richard Marrett,—13th November, 1884.

Lieutenant Redmond Conyngham Samuel Macausland,—13th November, 1884.

Lieutenant Francis Robert Bonham Knox,—13th November, 1884.

No. 610.—COMMISSARIAT DEPARTMENT—

Deputy Assistant Commissary and Honorary Lieutenant Cornelius O'Gorman to be Assistant Commissary (supernumerary), with effect from the 1st November, 1884.

No. 611.—SUBORDINATE MEDICAL DEPARTMENT—

Sub-Assistant Apothecary Arthur George Bowder to be a 2nd Grade Assistant Apothecary, with effect from the 31st October, 1884, *vice* 2nd Grade Assistant Apothecary Peter Alexander Maybert, resigned.

VOLUNTEER CORPS.

No. 612.—His Excellency the Governor General in Council is pleased to sanction the formation of a Volunteer Corps at Dacca, to be designated the

DACCA VOLUNTEER RIFLES.

The Corps will be under the orders of The Honourable the Lieutenant-Governor of Bengal.

APPOINTMENTS.

No. 613.—*Dacca Volunteer Rifles*—

Frederick Wyer, Esq., C.S., to be Captain-Commandant.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 10th November, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 20th October and the 10th November, 1884 :—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Norfolk Regiment ...	Major D. Dickinson ...	2nd November, 1884.	Morar ...	...	...
Border Regiment ...	Major P. Walker ...	... ...	Port Said ...	...	...

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 8th November 1884.

No. 281.—The undermentioned Assistant Engineers, 2nd Grade, Punjab, are transferred temporarily to State Railways, and their services placed at the disposal of the Director General of Railways :—

Mr. C. E. A. Jones.
Mr. H. R. Hackman.
Mr. A. E. Orr.

The 11th November 1884.

No. 282.—Captain F. Beauclerk, R.E., Examiner, 4th Class, 2nd Grade, having retired from the Army, is reappointed to the Accounts Branch of the Department in the same grade, with effect from the 25th September 1884.

No. 283.—The following promotions and reversions are made in the Railway Branch of the Public Works Department :—

Names.	From	To	Date.	Nature of promotion.
Mr. W. Michell ...	Ex. Engr., 4th Grade, *tempy.* ...	Asst. Engr., 1st Grade ...	15th Sept. 1884	
Mr. C. Thomson ...	„ „ 2nd „ sub. *pro tem.*	Ex. „ 3rd „ ...	20th Sept. 1884	
Captain W. Pitt, R.E. ...	„ „ 3rd „ „	„ „ 4th „ ...	„	
Baboo Sheo Dyal ...	„ „ 4th „ „	„ „ 4th „ *tempy.*	„	
Mr. F. J. Pope ...	Asst. „ 1st „ „	Asst. „ 2nd „ ...	„	
Mr. R. W. Roberts ...	Ex. „ 4th „ *tempy.* ...	„ „ 1st „ ...	21st Sept. 1884	
Mr. F. Wolley-Dod ...	„ „ 4th „ *tempy.* ...	„ „ 1st „ ...	28th Sept. 1884	
Mr. W. G. Gilchrist ...	„ „ 2nd „ sub. *pro tem.*	Ex. „ 3rd „ ...	1st Oct. 1884.	
Mr. B. Baxter ...	„ „ 3rd „ „	„ „ 4th „ ...	„	
Captain R. C. Maxwell, R.E. ...	„ „ 4th „ „	„ „ 4th „ *tempy.*	„	
Mr. A. Morse ...	Asst. „ 1st „ „	Asst. „ 2nd „ ...	„	
Baboo Sheo Dyal ...	Ex. „ 4th „ *tempy.* ...	„ „ 1st „ ...	„	
Mr. R. S. J. Routh ...	„ „ 4th „ *tempy.* ...	„ „ 1st „ ...	2nd Oct. 1884.	
Mr. J. M. Salmond ...	„ „ 4th „ sub. *pro tem.*	Ex. „ 4th „ ...	9th Oct. 1884	Permanent.
Mr. W. Home ...	Asst. „ 1st „ „	Asst. „ 1st „ ...	„	„
Mr. G. F. Lamb ...	„ „ 1st „ ...	Ex. „ 4th „ ...	„	Sub. *pro tem.*
Mr. A. Morse ...	„ „ 2nd „ ...	Asst. „ 1st „ ...	„	„
Mr. F. J. Pope ...	„ „ 2nd „ ...	„ „ 1st „ ...	„	„

The 12th November 1884.

No. 284.—Mr. F. G. Heaven, Assistant Engineer, 1st Grade, North-Western Provinces and Oudh, is transferred temporarily to the Superior Accounts Establishment, with the rank of Deputy Examiner, 2nd Grade, and posted to the Office of the Examiner of Public Works Accounts, Madras.

The 13th November 1884.

No. 285.—Lieutenant-Colonel T. F. Dowden, R.E., Superintending Engineer, 3rd Class, sub. *pro tem.*, attached to the Office of the Director General of Railways, is placed in charge of those portions of the Offices of the Secretary to the Government of India, Public Works Department, and Accountant General, Public Works Department, which will remain at Simla till further orders.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 47. } CALCUTTA, SATURDAY, NOVEMBER 22, 1884.

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

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PART III.—Advertisements and Notices by private individuals and Corporations.

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

Nothing for publication.

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

Nothing for publication.

SUPPLEMENT No. 47.

PART I.

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

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Camp Delhi, the 18th November 1884.

It is hereby notified that His Excellency the Viceroy will arrive at the Sealdah Railway Station at 4-20 P.M. on the 2nd December 1884, instead of at 3-5 P.M., as notified in the *Gazette of India* of the 8th November 1884.

By Command,

WILLIAM BERESFORD, *Captain,*
Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.—PUBLIC.

Calcutta, the 18th November 1884.

No. 1902.—The Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, and a Baronet, is expected to arrive at

Aden on or about December 2nd, and at Bombay on the 9th idem, to assume the office of Viceroy and Governor General of India.

The Resident at Aden will receive Lord Dufferin with all the honours and distinctions which are due to the Viceroy of India.

His Excellency the Governor of Bombay will make arrangements, in communication with the Naval authorities, for the landing and reception of Lord Dufferin at Bombay with all the honours and distinctions which are due to the Viceroy of India.

An Aide-de-Camp of the Viceroy will proceed to Bombay to attend upon Lord Dufferin throughout his journey from Bombay to Calcutta.

One of the principal civil officers of each Government or Administration, will be deputed to meet Lord Dufferin as he enters the limits of such Government or Administration, and will remain in attendance upon His Lordship until he passes beyond those limits.

At the Railway stations at which halts are made for rest and refreshment, Civil and Military officers will be in attendance. There will also be a Guard-of-Honour upon the platform.

Should Lord Dufferin make any stay at Allahabad, His Honour the Lieutenant-Governor of the North-Western Provinces will make all arrangements, in communication with the Military authorities, for His Lordship's reception in a suitable manner.

At stations between Bombay and Howrah, other than those mentioned in the two preceding paragraphs, the attendance of officers is dispensed with.

Proper police precautions will be taken at all the stations along the line at which the train stops.

Upon Lord Dufferin's arrival at the Howrah terminus of the East Indian Railway, His Lordship will be received by the Secretaries to the Government of India and by the Military Secretary and Aides-de-Camp to the Viceroy.

The following officers will also be in attendance upon the Howrah Railway platform :—

The Commissioner of Burdwan.

One of the Secretaries to the Government of Bengal.

The Brigadier-General Commanding the Presidency District, with the District Staff.

The Commissioner of Police and Chairman of the Justices of the Peace for the Town of Calcutta.

The Sheriff of Calcutta.

The Magistrate of Howrah.

A Guard of Honour of Native Infantry will be drawn up at the Howrah terminus.

Lord Dufferin, attended by his personal staff, by the Secretaries to the Government of India, by the Military Secretary and Aides-de-Camp of the Viceroy, will proceed to Government House in the Viceroy's carriages escorted by the Body Guard.

The line of route will be lined throughout by troops under the orders of the Brigadier-General Commanding the Presidency District.

A Royal Salute will be fired from the ramparts of Fort William as the cortége appears upon the Hooghly Bridge.

A Guard of Honour of British Infantry and a Guard of Honour of the Calcutta Volunteer Rifles will be drawn up opposite the grand entrance of Government House.

Lord Dufferin will be received as he alights from the carriage at the foot of the grand staircase by His Honour the Lieutenant-Governor of Bengal attended by his personal staff.

All the Civil and Military officers of Government at the Presidency will be in attendance upon the grand staircase of Government House, Consular Officers and other representatives of Foreign Governments at Calcutta, and all non-official gentlemen, are invited to be present upon the grand staircase.

His Excellency the Viceroy and Governor General, attended by his personal staff and the Members of the Governor General's Council, will receive Lord Dufferin at the top of the grand staircase, and will conduct His Lordship to the Throne-room.

Shortly afterwards, Lord Dufferin will proceed with the Members of the Governor General's Council to the Council Chamber, where His Lordship's Commission from Her Majesty the Queen-Empress will be read by the Home Secretary.

A Royal Salute will then be fired from the ramparts of Fort William in honour of Lord Dufferin upon his assumption of the Office of Viceroy and Governor General of India.

The troops may then be withdrawn.

Full dress will be worn by all officers, Civil and Military, on this occasion, and evening dress by all gentlemen not entitled to wear uniform.

The date and hour of Lord Dufferin's arrival at Howrah will be notified hereafter.

By Order of His Excellency the Viceroy and
Governor General of India in Council,

A. MACKENZIE,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Calcutta, the 21st November 1884.

No. 1718.—Mr. H. F. Clogstoun, Accountant General, Madras, having returned from privilege leave, resumed charge of his duties from Mr. W. Donald, before noon, on the 6th November 1884.

Mr. W. Donald, Deputy Accountant General, Madras, resumed charge of his duties from Mr. H. S. Groves, before noon, on the 6th November 1884.

No. 1721.—Mr. T. H. Biggs having been appointed to officiate as Deputy Accountant General, Punjab, made over charge of his duties as Assistant Comptroller General, after noon, on the 11th November 1884.

No. 1726.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

October 1884. **(Lakhs of Rupees.)**

[For the explanation of these heads, *see Gazette of India*, dated 22nd December 1883, Part 1, page 497.]	In October.		To end of October.		Whole year.	
	1884-85.	1883-84.	1884-85.	1883-84.	Budget, 1884-85.	Actuals. (Preliminary) 1883-84.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation)	40	31	8,82	8,98	22,40	22,74
Opium	76	78	5,06	5,44	8,59	9,56
Salt	55	45	3,56	3,41	6,33	6,14
Stamps	20	18	2,05	2,03	3,53	3,50
Excise	32	30	2,30	2,20	3,80	3,83
Provincial Rates	9	6	1,17	1,24	2,74	2,81
Customs	6	6	51	61	1,29	1,19
Assessed Taxes	1	2	45	46	52	52
Forest (Madras and Bombay only)	2	2	14	13	38	34
Registration	2	2	17	16	26	26
Tributes from Native States	4	4	24	24	70	72
Other Civil Revenue	14	19	1,58	1,58	3,00	3,05
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS	2,61	2,43	26,05	26,48	53,54	54,66
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works	— 37	— 38	— 2,26	— 2,28	— 3,80	— 3,74
Opium	— 4	— 5	— 2,65	— 1,58	— 2,35	— 1,86
Exchange on transactions with London	— 14	— 20	— 1,44	— 2,04	— 3,72	— 3,93
Other Civil Expenditure	— 1,49	— 1,60	— 11,17	— 10,96	— 21,08	— 19,73
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS	— 2,04	— 2,23	— 17,52	16,86	— 30,95	— 29,26
Extraordinary Receipts	...	...	...	...	...	...
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts mere,—Receipts less, than issues)	+ 8	+ 3	+ 39	+ 28	+ 47	+ 44
Forest, Telegraph, Marine (Net as above)	— 2	— 1	— 12	— 7	— 10	— 8
Guaranteed and subsidized Railways (Net as above)	+ 34	+ 26	+ 2,52	+ 2,63	+ 4,65	+ 4,75
Do. Repayment of surplus profits, &c.	...	...	— 3	— 10	— 45	— 59
Military Receipts	+ 3	+ 11	+ 34	+ 48	+ 88	+ 83
Military issues	— 1,02	— 1,03	— 6,84	— 6,71	— 11,88	— 11,66
Public Works Department—						
State Railways Receipts	+ 29	+ 17	+ 1,81	+ 1,29	— 2,09	+ 2,42
„ „ Issues	— 39	— 30	— 3,21	— 2,33		— 4,53
East Indian Railway Receipts	+ 31	+ 31	+ 2,17	+ 2,63	+ 2,45	+ 4,54
„ „ „ Issues	— 8	— 12	— 81	— 91		— 1,62
Ordinary Branches Receipts	+ 6	+ 9	+ 97	+ 97	— 4,96	+ 1,90
„ „ Issues	— 43	— 52	— 3.75	— 3,99		— 7,31
TOTAL NON-CIVIL DEPARTMENTS	— 83	— 1,01	— 6,56	— 5.83	— 11,03	— 10,91
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more,—Receipts less, than payments)	...	+ 49	— 2	+ 2,51	+ 2,50	+ 2,50
Mint Certificates and Bullion Advances (Net as above)	+ 2	— 4	+ 18	+ 33	+ 3	+ 33
Council Bills paid (including Telegraphic) at ₹10 per £	— 39	— 83	— 6,39	— 10,07	— 10,50	— 18,84
Other Debt heads (Net as above)	...	— 12	+ 50	+ 4	+ 98	— 10
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 37	— 50	— 5.73	— 7,19	— 12,99	— 16,11
GRAND TOTAL RECEIPTS AND ISSUES	— 63	— 1,31	— 3,76	— 3,40	— 1,43	— 1,62
Opening Cash Balance in Treasuries and Presidency Banks	10,07	12,73	13,20	14,82	12,44	14,82
Closing Cash Balance in Treasuries and Presidency Banks	9,44	11,42	9,44	11,42	11,01	13,20

J. F. FINLAY,
for *Secy. to the Govt. of India.*

MILITARY DEPARTMENT.

Fort William, the 21st November, 1884.

APPOINTMENTS.

No. 614.—STAFF CORPS—

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

Lieutenant Francis Vaughan Whittall, Leinster Regiment, Officiating Wing Officer, 2nd Infantry, Hyderabad Contingent,—1st August, 1883.

No. 615.—ARMY STAFF—

With the approval of the Secretary of State for India in Council, His Excellency the Governor-General in Council is pleased to appoint Colonel Sir T. D. Baker, K.C.B., A.D.C., half pay, Adjutant General in India, with the local rank of Major-General, *vice* Major-General Sir G. R. Greaves, K.C.M.G., C.B., whose period of service in that appointment has expired. Dated 7th November, 1884.

No. 616.—DIVISIONAL STAFF—

Major-General H. N. D. Prendergast, C.B., V.C., R.E., Commanding the British Burmah Division, to command the Hyderabad Subsidiary Force, *vice* Major-General Sir C. P. Keyes, K.C.B., who has resigned that appointment. Dated 7th November, 1884.

No. 617.—PERSONAL STAFF—

The following appointment has been made on the personal staff of Major-General J. I. Murray, C.B., Commanding the Oudh Division:—

Lieutenant L. S. Peyton, Bengal S. C., Squadron Officer, 14th Bengal Lancers, to be Aide-de-Camp. Dated 25th October, 1884.

No. 618.—ORDNANCE DEPARTMENT—

Captain A. H. Browne, R. A., Commissary of Ordnance, 3rd class, to be Commissary of Ordnance, 2nd class, *vice* Captain H. P. Willoughby, R. A., who has resigned that appointment. Dated 1st November, 1884.

No. 619.—COMMISSARIAT DEPARTMENT—

Lieutenant F. W. Repton, Bengal S.C., Wing Officer, 28th Native Infantry, to be a Sub-Assistant Commissary General, 2nd class, on probation, with effect from the 17th October, 1884, *vice* Major A. T. S. A. Rind, seconded.

No. 620.—PUNJAB FRONTIER FORCE—

1st Punjab Cavalry.

Lieutenant D. G. L. Shaw, Hampshire Regiment, Wing Officer, on probation, 14th Madras Native Infantry, to be Officiating Squadron Officer, on probation, *vice* Captain E. Lloyd, whose services have been placed temporarily at the disposal of the Foreign Department.

FURLOUGH AND LEAVE.

No. 621.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Major A. Harden, General List, Infantry, Wing Officer, 2nd (Queen's Own) Native Infantry (m. c.) under the regulations of 1875.

Captain R. Jennings, R.E., Assistant Engineer, 1st grade, Military Works Department (p. a.) for one year, under rule IX of the regulations of 1868.

Captain J. A. C. Wedderburn, Bengal S. C., Wing Officer, 2nd (Queen's Own) Native Infantry, (m. c.) for one year, under rule I of the regulations of 1875.

Lieutenant A. A. Lane, Bengal S. C., Wing Officer and Adjutant, 28th Native Infantry, (m. c.) for one year, under rule I of the regulations of 1875.

Lieutenant A. B. Pritchard, Bengal S. C., Wing Officer and Quartermaster, 8th Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Lieutenant A. W. T. Radcliffe, Bengal S. C., Wing Officer and Quartermaster, 14th Native Infantry, (p a.) for 303 days, under rule I of the regulations of 1875, embarking on or after the 2nd January, 1885.

Lieutenant E. H. Rodwell, Bengal S. C., Wing Officer and Quartermaster, 2nd Punjab Infantry, (p. a.) for 182 days, under rule I of the regulations of 1875.

Lieutenant J. G. Ramsay, Bengal S. C., Wing Officer and Adjutant, 24th Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Surgeon-Major R. Power, (p. a.) for one year and thirty days, under rule IX of the regulations of 1868.

Conductor J. Fairley, 1st Assistant Master, Thomason College, Roorkee, Public Works Department, (m. c.) for one year, under rule I of the regulations of 1875.

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

Sub-Conductor W. Steele, Ordnance Department, (m. c.) for one year, under rule VI of the regulations of 1875.

No. 622.—Major-General R. Blair, Infantry, is permitted to reside out of India.

No. 623.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Major J. S. Tait, Bengal S. C., (p. a.) for one month.

Captain B. M. Allen, Bengal S.C., (p. a.) for four months.

Captain E. W. Chalmers, Bengal S.C., (p. a.) for three months.

Captain F. M. Rundall, Bengal S.C., (p. a.) for one month.

Captain R. C. Hadow, Bengal S.C., (p. a.) for six weeks.

Brigade Surgeon J. Jones, M.D., (u. p. a.) without pay, for one month and 17 days.

No. 624.—The extension of furlough (u. p. a.) granted to Captain H. L. Wells, R.E., in G.G.O. No. 595 of 1884, is without pay.

PROMOTIONS.

No. 625.—The following promotions are made, subject to Her Majesty's approval:—

Bengal Army.

CAVALRY.

To be Lieutenant-Colonels.

Major and Brevet Lieutenant-Colonel Henry Alexander Shakespear,—20th November, 1884.

Major Fendall Currie,—20th November, 1884.

No. 626.—G. G. O. No. 535 of 1884 is cancelled.

No. 627.—NATIVE ARMY—

24th Native Infantry.

Jemadar Chungay Khan to be Subadar, *vice* Subadar Ruheem Ally, deceased,—11th September, 1884.

4th Goorkha Regiment.

Havildar Bahadur Sing Thappa to be Jemadar, *vice* Jemadar Suntoo Goorung, deceased,—17th October, 1884.

No. 628.—VOLUNTEER CORPS—

East Indian Railway Volunteer Rifle Corps.

Color-Sergeant Charles John Simmons to be Lieutenant, *vice* Lieutenant T. R. Browne, promoted.

Rangoon Volunteer Rifle Corps.

Captain G. G. B. Van Someren to be Major-Commandant, *vice* Major J. R. McCullagh, R.E., who has resigned that appointment.

RETIREMENTS.

No. 629.—The undermentioned officers have been permitted to retire from the service with effect from the dates specified, subject to Her Majesty's approval:—

Lieutenant-Colonel and Brevet Colonel Brydges Robinson Branfill, Cavalry,—10th November, 1884.

Major Robert Edward Seymour Smyth, General List, Infantry,—15th November, 1884.

Brigade Surgeon Charles Kilkelly, M.B.,—14th October, 1884.

No. 630.—Surgeon F. J. Tuohy, M.D., is placed on temporary half pay, with effect from the 21st November, 1884, subject to Her Majesty's approval.

No. 631.—VOLUNTEER CORPS—

The Eastern Bengal Railway Volunteer Rifle Corps will in future be designated the "Eastern Bengal *State* Railway Volunteer Rifle Corps."

E. H. H. COLLEN,

Officiating Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 20th November, 1884.

Statement of Deposits on account of Estates from the 11th to the 20th November, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					R a. p.		
British Military Service.							
Charles Wilbraham Ford (a).	Lieutenant .	York and Lancaster Regiment.	19th July, 1884.	Intestate .	743 14 9	. .	. . .
Indian Military Service.							
Edward Newbery (b). .	Major .	Bengal Staff Corps.	2nd June, 1884.	Will left .	26 14 0	. .	. . .

(a) Charles Wilbraham Ford, Eccleston Vicarage, Ferry Hill, Yorkshire.
Administrator General, Bengal, administering.
(b) Vide Notification of 28th October, 1884.

E. H. H. COLLEN,

Officiating Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 48. } CALCUTTA, SATURDAY, NOVEMBER 29, 1884.

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Nothing for publication.

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Nothing for publication.

SUPPLEMENT No. 48.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Fort William, the 27th November, 1884.

No. 21.—In exercise of the power conferred by the Statute 24 & 25 Vic., cap. 67, s. 17, the Governor-General in Council has been pleased to appoint Friday, the 5th December next, at 11 A.M., as the time, and the Council Chamber in the Government House, Calcutta, as the place, for a meeting of the Council of the Governor-General for the purpose of making Laws and Regulations.

D. FITZPATRICK,

Secy. to the Govt. of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Calcutta, the 28th November 1884.

No. 1922.—ERRATUM.—In that part of Home Department Notification No. 1155, dated the 19th July 1884, which defines the Eastern boundary of the District of Thongwa in the Irrawaddy Division of British Burma, for "Tanmanaing and Môkkyun" read "Tawkee and Zepathwe."

ESTABLISHMENTS.

The 28th November 1884.

No. 251.—Mr. A. J. R. Bainbridge is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 1st September 1884.

JUDICIAL.

The 28th November 1884.

No. 1431.—The services of Lieutenant R. F. H. Anderson, Bengal Staff Corps, Wing Officer, 5th Native Infantry, are placed temporarily at the disposal of the Government of the Punjab for employment as Officiating Cantonment Magistrate, Jullundur.

ECCLESIASTICAL.

The 25th November 1884.

No. 182.—Her Majesty's Secretary of State for India has permitted the Reverend A. D. C. Clarke, a Junior Chaplain on the Bengal (Lahore) Establishment, to resign his appointment, with effect from the 21st August last.

The 28th November 1884.

No. 186.—The Reverend W. H. Bray, a Junior Chaplain on the Bengal Establishment, to be a Senior Chaplain, with effect from the 14th instant.

EDUCATION.

The 28th November 1884.

No. 339.—APPOINTMENT—Mr. J. Elliott, Superintendent of the Jubbulpore Normal School, to be Inspector of Schools, 4th grade, in the Central Provinces, with effect from the date of the promotion of Mr. G. Thompson, B.A.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Calcutta, the 28th November 1884.

No. 857—116-19 *G.*—Mr. C. S. Bayley, C.S., Officiating Registrar of the High Court, Calcutta, is appointed to officiate as Under-Secretary to the Government of India in the Revenue and Agricultural Department, with effect from the 13th instant, in addition to his other duties.

EXHIBITIONS.

The 27th November 1884.

No. 1272 *Ex.*—Dr. J. Anderson, Superintendent, Indian Museum, is allowed a further extension for twenty days of the furlough granted to him in Notification No. 177, dated the 21st February last.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 26th November, 1884.

No. 2263 *G.*—Captain C. W. Ravenshaw, Officiating Political Assistant of the 1st Class, is posted as 2nd Assistant to the Governor-General's Agent in Central India, with effect from the date of assuming charge.

No. 2265 *G.*—Captain I. MacIvor, Political Assistant of the 3rd Class, is posted as 3rd Assistant to the Governor-General's Agent in Central India, with effect from the date of assuming charge.

No. 2267 *G.*—The services of Surgeon-Major O. T. Duke, M.B., Officiating Political Agent of the 3rd Class, and Political Agent, Kelat, are placed at the disposal of the Home Department.

The 27th November, 1884.

No. 2271 *G.*—Surgeon-Major J. Duke, Indian Medical Service, is appointed Medical Officer of the Malwah Bheel Corps, and of the Bhopawar Political Agency, with effect from the date of assuming charge, *vice* Surgeon-Major H. D. S. Compigné, M.D., retired.

No. 2273 *G.*—The services of Surgeon-Major D. N. Martin, M.D., Medical Officer, 30th Regiment of Native Infantry, are replaced at the disposal of the Military Department, with effect from the forenoon of the 26th October, 1884, the date on which he was relieved of the medical charge of the Eastern Rajputana States Residency by Surgeon-Major T. H. Hendley.

No. 2287 *G.*—Mr. J. B. Lyall, C.S., Resident of the 1st Class, and Resident in Mysore and Chief Commissioner of Coorg, is granted privilege leave for two months and twelve days, with effect from the 10th December, 1884, or from the subsequent date on which he may avail himself of it.

No. 2289 *G.*—Colonel T. G. Clarke, Commissioner and District and Sessions Judge of Coorg, is appointed to officiate as a Resident of the 1st Class, and as Resident in Mysore and Chief Commissioner of Coorg, with effect from the date of assuming charge, during the absence on privilege leave of Mr. J. B. Lyall, C.S.

H. M. DURAND,
Offg. Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Calcutta, the 27th November 1884.

No. 1815.—*Abstract of Accounts of the Department of Issue of Paper Currency on the 31st October 1884, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	₹	₹	₹	₹
Calcutta	7,27,55,200	1,78,80,619	1,21,85,131	3,00,65,750
Allahabad	78,38,315	67,15,080		67,15,080
Lahore	81,68,886	1,06,89,295	...	1,06,89,295
Bombay	4,85,67,719	2,62,60,307	52,37,158	3,14,97,465
Kurrachee	29,71,820	26,53,305	32,300	26,85,605
Madras	1,26,26,120	28,38,180	6,30,000	34,68,180
Calicut	15,97,030	10,42,970	13,500	10,56,470
Rangoon	15,94,700	1,00,50,625	...	1,00,50,625
TOTAL	15,61,19,810	7,80,31,721	1,80,98,089	9,61,19,810
price paid for Government Securities of the nominal value of Rs.25,21,700 held under Section 19 of the Act				6,00,00,000
GRAND TOTAL				15,61,19,810

The 28th November 1884.

No. 1793.—Mr. J. E. O'Conor, Assistant Secretary to the Government of India, in the Department of Finance and Commerce, having been granted privilege leave for two months, made over charge of his office and availed himself of the leave, before noon, on the 20th November 1884.

Mr. C. R. Kiernander, Deputy Auditor General, having been appointed to officiate as Assistant Secretary during Mr. O'Conor's absence on privilege leave, assumed charge of his duties, before noon, on the 26th November 1884.

No. 1817.

ORDER—By the Government of India, Department of Finance and Commerce.

Read the following:—

FINANCIAL. No. 347. INDIA OFFICE; *London, 30th October 1884.*

To His Excellency the Most Honourable the Governor General of India in Council.

MY LORD MARQUIS,—

I forward herewith a copy of the report of the Deputy Master of the Royal Mint, dated the 1st of October 1884, on the pyx coins of the Calcutta and Bombay Mints issued in 1883, from which you will observe that the "Standard weight and fineness of the Coins have been maintained with the usual approximation to accuracy."

I have, &c.,
(Sd.) KIMBERLEY.

Dated Royal Mint, 1st October 1884.
From—ROBERT F. SUFT, Esq.,
To—The Secretary, Treasury.

The examination of the pyx coins of the Indian Mints, transmitted to the Deputy Master of the Mint by direction of the Lords Commissioners of Her Majesty's Treasury on the 2nd August last being completed, I have the honor to forward herewith a report on the weight and fineness of the coins and to return the bullion remaining.

No. 13140-84.

CALCUTTA MINT. *Silver.*

	Oz.
Fine	8·544
Standard	11·383
	19·927

BOMBAY MINT. *Silver.*

	Oz.
Fine	6·940
Standard	7·410
	14·350

The coins were first weighed singly by the Mint balance and were then handed to the Assayer of the Mint by whom each coin has been separately assayed and reported upon.

The standard weight and fineness of the coins have been maintained with the usual approximation to accuracy.

In accordance with the directions of their Lordships, parting assays have been made of the silver coins of each Presidency in order to ascertain the average proportion of gold contained in them, and the result is shewn in the Report. These assays have been made in the manner detailed in the Report of the 25th October 1869.

Memorandum of the weight and fineness of coins issued from the Indian Mints in the year 1883.

No. of Pieces.	Mint.	Denomination of Coin.	Average weight of a Piece.	Average proportion of silver in 1000 parts.	Average proportion of Gold in the Silver coins ascertained for parting assay in 1000 parts.
			Grains.		
40	Calcutta	Rupee	179·959	915·88	·470
15		½ Rupee	89·974	915·56	
26		¼ Rupee	45·023	915·51	
14		⅛ Rupee	22·543	915·76	
40	Bombay	Rupee	180·012	915·81	·130
8		½ Rupee	45·010	915·47	
8		¼ Rupee	22·497	915·43	

ROYAL MINT, *1st October 1884.* (Sd.) R. F. SUFT, for *Depy Master and Comptroller.*

ORDER.—Ordered, that the above papers be communicated to the Mint Masters, Calcutta and Bombay, for information.

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

D. BARBOUR,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 28th November, 1884.

APPOINTMENTS.

No. 632.—BRIGADE STAFF—

Captain N. P. O'Gorman, Lincolnshire Regiment, to be a Brigade Major on the establishment, *vice* Lieutenant-Colonel C. M. Stockley, vacated on promotion. Dated 18th November, 1884.

No. 633.—COMMISSARIAT DEPARTMENT—

Lieutenant H. S. G. Hall, Sub-Assistant Commissary General, 2nd class, on probation, is confirmed in that appointment, with effect from the 9th November, 1883.

No. 634.—Lieutenant C. G. R. Thackwell Bengal S. C., Wing Officer, 20th Bengal Infantry, to be a Sub-Assistant Commissary General, 2nd class, on probation, with effect from the 31st October, 1884, *vice* Lieutenant H. R. Marrett, seconded on appointment as Superintendent, Hissar Cattle Farm.

No. 635.—HYDERABAD CONTINGENT—

2nd Cavalry.

Surgeon C. Mallins, M.B., Medical Officer, 1st Infantry, to officiate as Medical Officer, *vice* Surgeon-Major J. F. Sargent, on furlough.

1st Infantry.

Surgeon A. O. Evans, Madras Medical Service, to officiate as Medical Officer, *vice* Surgeon Mallins, M.B.

FURLOUGH AND LEAVE.

No. 636.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Captain C. C. Ellis, R.E., Executive Engineer, 4th grade, Military Works Department, (p. a.) for one year and 182 days, under rule IX of the regulations of 1868.

Surgeon-Major J. J. Monteath, M.D., (m. c.) for one year, under rules IX and XV of the regulations of 1868.

No. 637.—With reference to G. G. O. No. 349 of 1884, Surgeon-Major L. E. Eades, Medical Officer, 5th Bengal Infantry, has been granted by the Secretary of State for India furlough (m. c.) for one year, with effect from the 13th April, 1884.

No. 638.—Honorary Surgeon T. Browne was on furlough out of India, from the 23rd May to the 15th September, 1884, under the regulations of 1868.

No. 639.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel and Brevet Colonel Æ. Perkins, R.E., (u. p. a.) without pay, for one month.

Major and Brevet Lieutenant-Colonel R. V. C. A. Tytler, General List Infantry, (p. a.) for 31 days.

Major W. S. S. Bisset, R.E., (p. a.) for seven days.

Major E. C. Elliston, Bengal S.C., (m. c.) for 183 days.

Captain G. E. Money, Bengal S.C., (m. c.) for 92 days.

Lieutenant E. K. E. Spence, Bengal S.C., (p. a.) for 14 days.

Surgeon-Major R. Pringle, M.D., (p. a.) for 150 days.

Surgeon-Major C. P. Oldham, (u. p. a.) without pay, for 30 days.

LONDON GAZETTE.

No. 640.—The following extracts are published for general information:—

"*London Gazette,*" *dated the 28th October, 1884, page 4655.*

India Office, 27th October, 1884.

The Queen has approved of the following Promotions among the Officers of the Staff Corps and Indian Military Services made by the Governments in India:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major William Brereton Birch. Dated 30th July, 1884.

Major George Young. Dated 20th August, 1884.

To be Majors.

Captain Thomas James Bailey. Dated 5th August, 1884.

Captain and Brevet Major Stannus Verner Gordon. Dated 9th August, 1884.

The Queen has also approved of the following Admissions to the Staff Corps made by the Government of India:—

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant George Rodney Brown, from the Royal Warwickshire Regiment. Dated 12th June, 1883, but to rank from 23rd April, 1881.

Lieutenant Edmund Boteler Burton, from the West Riding Regiment. Dated 1st July, 1882, but to rank from 1st July, 1881.

Lieutenant William Alexander Wickedé Strickland, from the Dorsetshire Regiment. Dated 1st July, 1882, but to rank from 1st July, 1881.

Lieutenant Herbert Arrott Browning, from the East Lancashire Regiment. Dated 21st June, 1883, but to rank from 1st July, 1881.

Lieutenant George William Rawlins, from the North Lancashire Regiment. Dated 11th July, 1882, but to rank from 1st July, 1881.

Lieutenant Lesley Charles Hamilton Stainforth, from the South Wales Borderers. Dated 15th June, 1883, but to rank from 1st July, 1881.

Lieutenant Frederick Weston Peile Macdonald, from the Royal Irish Regiment. Dated 17th June, 1883, but to rank from 22nd October, 1881.

Lieutenant Turenne Jermyn, from the Royal Irish Regiment. Dated 12th June, 1883, but to rank from 22nd October, 1881.

Lieutenant Charles Clements Reid, from the East Lancashire Regiment. Dated 27th May, 1883, but to rank from 22nd October, 1881.

"*London Gazette,*" *dated the 4th November 1884, page 4755.*

War Office, Pall Mall, 4th November, 1884.

MEMORANDA.

Deputy Assistant-Commissary James Keenan, Bengal Establishment, to have the honorary rank of Lieutenant. Dated 12th June, 1884.

INDIAN STAFF CORPS.

The undermentioned Lieutenant-Colonels to be Colonels:—

William Wheeler Hume, Bengal. Dated 5th August, 1884.

John Newbold Wilson, Madras. Dated 20th August, 1884.

Oswald Menzies, Bengal. Dated 26th August, 1884.

PENSIONS.

No. 641.—Conductors C. Ryan and H. Smith, late of the Hyderabad Contingent, have been transferred to the pension establishment.

PROMOTIONS.

No. 642.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Major.

Captain Mansel Armstrong,—22nd November, 1884.

To be Captain.

Lieutenant Henry Montague Pakington Hawkes,—23rd November, 1884.

No. 643.—NATIVE ARMY—

29th Bengal Infantry.

Jemadar Golab Sing to be Subadar, Havildar Nutha Sing to be Jemadar, *vice* Subadar Gujja Sing, "Bahadur," invalided,—1st October, 1884.

43rd Bengal Infantry.

Subadar Ghumbir to be Subadar-Major Jemadar Gookul Tewary to be Subadar, Havildar Rajbir Newar to be Jemadar, *vice* Subadar-Major Juggoo Ram, invalided,—3rd September, 1884.

REWARDS.

No. 644.—GOOD SERVICE PENSIONS—

It is notified that on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer good service pensions on the undermentioned officers, with effect from the dates specified:—

From the 10th July, 1884, in room of Lieutenant-General F. R. Maunsell, C.B., Royal (late Bengal) Engineers, succeeded to the Colonel's allowance.

COLONEL HENRY ALEXANDER BROWNLOW, ROYAL (LATE BENGAL) ENGINEERS.

Dates of Commissions.

2nd Lieutenant	11th December, 1849.
Lieutenant	1st August, 1854.
Captain	27th August, 1858.
Brevet Major	28th August, 1858.
Major	5th July, 1858.
Brevet Lieutenant-Colonel	14th January, 1869.
Lieutenant-Colonel	23rd July, 1874.
Brevet Colonel	1st October, 1877.

Appointments.

Regimental duty, Bengal Sappers and Miners,—from 7th November, 1851, to 26th February, 1852.

Deputy Superintendent, Ganges Canals (North-Western Provinces, Public Works Department, Irrigation Branch),—from 27th February, 1852, to 12th October, 1854.

Deputy Superintendent, Eastern Jumna Canals (North-Western Provinces, Public Works Department, Irrigation Branch),—from 13th October, 1854, to 27th February, 1856.

Superintendent, Eastern Jumna Canals (North-Western Provinces, Public Works Department, Irrigation Branch),—from 28th February, 1856, to 27th March, 1865.

Superintending Engineer, Irrigation Works (North-Western Provinces, Public Works Department),—from 28th March, 1865, to 15th February, 1872.

(Held appointments of Field Engineer, Delhi Field Force, and Assistant Field Engineer, Rohilkhand Field Force, during the Mutiny, 1857-58.)

Officiating Chief Engineer, Irrigation Works, and Joint Secretary to Government, North-Western Provinces, Public Works Department,—from 16th February, 1872, to 5th March, 1874.

Superintending Engineer, Irrigation Branch, Public Works Department, Punjab,—from 6th March, 1874, to 23rd February, 1876.

Officiating Chief Engineer and Joint Secretary to Government, Punjab, Public Works Department,—from 24th February, 1876, to 29th April, 1876.

Superintending Engineer, Irrigation Branch, Public Works Department, Punjab,—from 30th April, 1876, to 19th June, 1876.

Officiating Chief Engineer and Secretary to Government, North-Western Provinces, Irrigation Branch, Public Works Department,—from 20th June, 1876, to 10th April, 1877.

Officiating Inspector General of Irrigation and Deputy Secretary to the Government of India, Public Works Department,—from 11th April, 1877, to 27th July, 1878.

Secretary to Government, North-Western Provinces and Oudh, Irrigation Branch, Public Works Department,—from 28th July, 1878, to 31st December, 1878.

Secretary to Government, North-Western Provinces and Oudh, Public Works Department, and Chief Engineer, Irrigation Branch,—from 1st January, 1879, to 19th February, 1882.

Inspector General of Irrigation and Deputy Secretary to the Government of India, Public Works Department,—from 20th February, 1882, to date.

War Services.

Indian Mutiny, 1857-58.—Battle of Budle-ke-Serai, siege of Delhi (dangerously wounded), and the Rohilkhand Campaign. Despatches, *London Gazette*, 15th December, 1857, and 10th August, 1858. Medal with clasp and Brevet of Major.

From the 19th August, 1884, in room of Major-General J. G. Medley, Retired List, deceased.

COLONEL JOHN PRINGLE SHEERIFF, BENGAL STAFF CORPS.

Dates of Commissions.

Ensign	20th January, 1851.
Lieutenant	30th November, 1854.
Captain	1st January, 1862.
Brevet Major	2nd January, 1862.
Major	20th January, 1871.
Brevet Lieutenant-Colonel	4th January, 1870.
Lieutenant-Colonel	20th January, 1877.
Brevet Colonel	1st October, 1877.

Appointments.

Doing-duty, 16th Native Infantry,—from 12th March, 1851, to 25th August, 1851.

Doing-duty, 35th Light Infantry,—from 26th August, 1851, to 31st August, 1857.

Quartermaster, 2nd Punjab Native Infantry,—from 1st September, 1857, to 3rd October, 1858.

Adjutant, 2nd Sikh Infantry,—from 4th October, 1858, to 31st December, 1858.

Officiating 2nd-in-Command, 2nd Sikh Infantry,—from 1st January, 1859, to 22nd September, 1859.

Attached to 54th Foot,—from 23rd September, 1859, to 14th December, 1862.

Attached to Landour Convalescent Depôt,—from 15th December, 1862, to 18th April, 1865.

Station Staff Officer, Landour Convalescent Depôt,—from 19th April, 1865, to 24th February, 1871.

General duty, Landour Convalescent Depôt,—from 25th February, 1871, to 22nd October, 1871.

Officiating 2nd-in-Command, 42nd Native Infantry,—from 23rd October, 1871, to 16th May, 1873.

Officiating Commandant, 42nd Native Infantry,—from 17th May, 1873, to 12th December, 1874.

Commandant, 42nd Native Infantry,—from 13th December, 1874, to 31st March, 1884.

War Services.

Indian Mutiny, 1857-58.—Siege, assault, and capture of Delhi. Actions of Bulandshahr, Aligarh, and Fatehpur-Sikri-Jumna Expedition. Despatches, G. G. O. No. 1105 of 1860. Medal with clasp. Brevet of Major.

Looshai Expedition, 1871-72.—Medal with clasp.

Duffla Expedition, 1874-75.—Despatches, G. G. O. No. 375 of 1875.

Operations against the Nagas, 1875 and 1879-80.—Despatches, G. G. O. No. 574 of 1875. Clasp.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 54.—Mr. Ferdinand Halford Elderton has been appointed by the Secretary of State for India a 3rd Grade Officer in the Indian Marine, with effect from the 23rd October, 1884.

DISMISSALS.

No. 55.—Mr. R. B. Sim, Assistant Engineer, Indian Marine, is dismissed the service.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 28th November, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, on the dates specified, were received in the Military Department between the 11th and 28th November, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Instestate.	Remarks.
Royal Engineers .	Captain H. B. Rich . .	17th Nov., 1884	Rawal Pindi.		
Durham Light Infantry	Lieutenant C. G. Wells . .	21st Nov., 1884	Allahabad.		
Leinster Regiment .	Captain A. B. Hibgame . .	23rd Nov., 1884	Fyzabad.		

Statement of Deposits on account of Estates between the 20th and 28th November, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					₹ a. p.		
British Military Service.							
Charles Arthur George Cumine (*a*).	Captain .	East Surrey Regiment.	14th August, 1884.	Intestate .	456 0 1		
Indian Military Service.							
Charles Hyder Forster(*b*)	Major .	General List, Infantry.	10th March, 1884.	Will left in favour of a former wife.	47 11 0		

(*a*) *Next of-kin.*—Colonel Cumine, Imperial Square, Cheltenham, Gloucester.
(*b*) *Vide* Notification of 7th July, 1884.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 26th November 1884.

No. 286.—Major-General H. F. Hancock, R.E., Chief Engineer, 1st Class, having vacated his appointment in the Public Works Department on promotion to his present military rank, is re-appointed to the Department in the same rank.

The 28th November 1884.

No. 287.—Mr. C. A. Bull, Executive Engineer, 1st Grade, is transferred temporarily, at the public expense, from the Establishment under the Director General of Railways, to that under the Government of Madras, for employment as Engineer-in-Chief of the Railway Surveys in Madras.

No. 288.—Major G. T. Skipwith, R.E., Executive Engineer, North-Western Provinces and Oudh, is appointed to officiate as Superintending Engineer, 3rd class, during the absence of Major Harrison, R.E., on deputation, or until further orders.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 49. } CALCUTTA, SATURDAY, DECEMBER 6, 1884.

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

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PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor General's Council assented to by the Governor General.
Nothing for publication.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22. The Panch Mahals Laws Bill, 1884.

SUPPLEMENT No. 49.

PART I.

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

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Fort William, the 5th December, 1884.

No. 22.—His Excellency the Viceroy and Governor-General, under the authority vested in him by the Statute 24 and 25 Vic., cap. 67, section 10, has been pleased to re-appoint the Hon'ble G. H. P. Evans to be an Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations, with effect from the 8th instant.

D. FITZPATRICK,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Calcutta, the 2nd December 1884.

No. 263.—Mr. Kongandra Ganapatti, Subedar of the Mercara Taluk, Coorg, is appointed to act as 2nd Assistant Commissioner of Coorg, until further orders, *vice* Mr. Chappadi Subiah, Rai Bahadur, deceased.

The 5th December 1884.

No. 270.—Mr. C. W. McMinn, B.C.S., Deputy Commissioner, 2nd Class, in the Central Provinces, to be Deputy Commissioner, 1st Class, *vice* Colonel W. B. Thomson, retired.

MEDICAL.

The 4th December 1884.

No. 534.—APPOINTMENT.—Surgeon-Major O. T. Duke, M.B., to officiate as Joint Medical Officer of Simla, during the absence on furlough of Surgeon-Major R. Power, or until further orders.

JUDICIAL.

The 4th December 1884.

No. 1464.—The Honourable J. O'Kinealy, a Judge of the High Court of Judicature at Fort William in Bengal, obtained furlough, with effect from the 7th April 1884, to the 15th September last, both days inclusive.

This cancels Home Department Notification No. 379, dated the 10th March 1884.

No. 1467.—Under the provisions of Section 3 of Act XXVI of 1881 (The Negotiable Instruments Act, 1881), the Governor General in Council has been pleased to appoint the undermentioned person to perform the functions of a Notary Public under that Act:—

Mr. William Richard Munton,—Dehra Dun.

PORT BLAIR.

The 2nd December 1884.

No. 687.—The services of Lieutenant-Colonel M. Protheroe, C.S.I., are placed at the disposal of the Government of Madras, with effect from the 1st instant.

PATENTS.

The 3rd December 1884.

No. 1170.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:

No. 68 of 1884.—Charles Adams, of Brussels, in the Kingdom of Belgium, for new or improved apparatus for working railway points and signals.

No. 94 of 1884.—John Hodgart, Engineer, Oomrawuttee, East Berar, for a machine for opening and cleaning cotton.

No. 128 of 1884.—Jasper Henry Selwyn, Vice-Admiral, of Gloucester Crescent, Hyde Park, in the County of Middlesex, England, for improvements in, and pertaining to, furnaces for the combustion of liquid fuel.

No. 148 of 1884.—James Watson, of London, England, Engineer, for a regulator for the engines of hydraulic pumps.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—SURVEYS.

Calcutta, the 1st December 1884.

No. 657—72-11 *S.*—Consequent on the return from furlough of Mr. F. R. Mallet, Deputy Superintendent, Geological Survey of India, on the 8th ultimo, the following reversions will take effect from that date:—

Mr. F. Fedden will cease to act as Curator of the Museum.

Mr. C. L. Griesbach will cease to officiate in the 1st Grade, and as Deputy Superintendent.

Mr. C. S. Middlemiss will revert to his substantive appointment in the 3rd Grade.

No. 659—32-26 *S.*—Consequent on the return from the special leave granted to Mr. H. B. Medlicott, Superintendent of the Geological Survey of India, the following reversions will take effect from the 15th ultimo:—

Dr. W. King, Officiating Superintendent, to revert to his substantive appointment as Deputy Superintendent.

Mr. T. W. H. Hughes to cease to act as Deputy Superintendent.

Mr. F. Fedden to revert to his substantive appointment in the 2nd Grade.

Mr. E. J. Jones to revert to his substantive appointment in the 3rd Grade.

No. 661—72-12 *S.*—Consequent on the return from furlough of Mr. C. A. Hacket, Assistant Superintendent of the 2nd Grade, Geological Survey of India, on the 18th ultimo, Mr. T. H. D. LaTouche will revert to his substantive appointment in the 3rd Grade, with effect from that date.

The 5th December 1884.

No. 671—72-15 *S.*—Consequent on the departure on furlough of Mr. F. Fedden, Assistant Superintendent, Geological Survey of India, Mr. T. D. La Touche, Assistant Superintendent, 3rd grade, is appointed to officiate in the 2nd grade, with effect from the 22nd November 1884.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 2nd December, 1884.

No. 2317 *G.*—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Clement C. Ellis as Consular Agent for the United States of America, at Chittagong.

No. 2321 *G.*—Lieutenant-Colonel M. G. Gerard, C.B., Officiating 2nd-in-Command, 2nd Regiment, officiated as Commandant, Central India Horse, on the 2nd and 3rd June, 1884, during the absence on general leave of Lieutenant-Colonel H. M. Buller.

The 3rd December, 1884.

No. 2328 *G.*—Surgeon-Major C. W. Calthrop, M.D., Medical Officer of the 4th Bengal Cavalry, held medical charge of the Gwalior Political Residency, Morar Cantonment Magistracy, and Morar Jail, in addition to his own duties, from the afternoon of the 4th June to the afternoon of the 3rd September, 1884, during the absence on leave of Surgeon-Major F. A. Smyth.

Surgeon F. R. Barker, M.B., Army Medical Department, held medical charge of the Gwalior Political Residency, Morar Cantonment Magistracy, and Morar Jail, from the afternoon of the 9th to the afternoon of the 15th October, 1884.

Surgeon-Major C. W. Calthrop, M.D., received medical charge of the Gwalior Political Residency, Morar Cantonment Magistracy, and Morar Jail, from Surgeon F. R. Barker, M.B., on the afternoon of the 15th October, 1884.

The 5th December, 1884.

No. 2343.—The following changes are made in the Graded List of the Political Department:—

Promotions.

Consequent on the deputation of Captain C. E. Yate, Political Assistant of the 2nd Class, with the Afghan Boundary Commission, with effect from the 25th July, 1884—

Captain T. C. Pears, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant W. H. Cornish, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

Consequent on the deputation of Captain E. L. Durand, Political Agent of the 3rd Class, and Officiating Political Agent of the 2nd Class, with the Afghan Boundary Commission, with effect from the 21st August, 1884—

Mr. J. R. FitzGerald, Political Agent of the 3rd Class, to officiate as a Political Agent of the 2nd Class.

Major N. C. Martelli, Political Assistant of the 1st Class, to officiate as a Political Agent of the 3rd Class.

Captain T. C. Pears, Political Assistant of the 2nd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 1st Class.

Lieutenant C. Herbert, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant W. H. Cornish, Political Assistant of the 3rd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 2nd Class.

Lieutenant R. D. C. Davies, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

Captain T. Hope, Officiating Political Agent of the 3rd Class, to be a Political Agent of the 3rd Class, sub. *pro tem.*

Lieutenant H. L. Ramsay, Officiating Political Assistant of the 1st Class, to be a Political Assistant of the 1st Class, sub. *pro tem.*

Lieutenant P. J. Melvill, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant W. E. Evans-Gordon, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

Reversions.

Consequent on the appointment of Lieutenant-Colonel C. A. Baylay, Additional Political Agent of the 1st Class, to officiate as a Resident of the 2nd Class, and as Resident in the Western States of Rajputana, with effect from the 25th September, 1884—

Lieutenant-Colonel C. A. Baylay, from Additional Political Agent of the 1st Class, to his substantive grade of Political Agent of the 2nd Class.

Major F. A. Wilson, from Political Agent of the 2nd Class, to Political Agent of the 3rd Class.

Lieutenant-Colonel V. E. Law, from Political Agent of the 3rd Class, to Political Assistant of the 1st Class, and Political Agent of the 3rd Class, sub. *pro tem.*

Captain T. Hope, from Political Agent of the 3rd Class, sub. *pro tem.*, to Officiating Political Agent of the 3rd Class.

Mr. P. J. C. Robertson, from Political Assistant of the 1st Class, to Political Assistant of the 2nd Class, and Political Assistant of the 1st Class, sub. *pro tem.*

Lieutenant H. L. Ramsay, from Political Assistant of the 1st Class, sub. *pro tem.*, to Officiating Political Assistant of the 1st Class.

Lieutenant H. L. Ramsay, from Political Assistant of the 2nd Class, to Political Assistant of the 3rd Class, but to continue to officiate as a Political Assistant of the 1st Class.

Captain I. MacIvor, from Political Assistant of the 3rd Class, to Political Assistant of the 3rd Class, sub. *pro tem.*

Lieutenant W. E. Evans-Gordon, from Political Assistant of the 3rd Class, sub. *pro tem.*, to Officiating Political Assistant of the 3rd Class.

Promotions.

Consequent on the appointment of Lieutenant-Colonel A. W. Roberts, Officiating Political Agent of the 2nd Class, to be an Additional Political Agent of the 2nd Class, temporarily, with effect from the 27th September, 1884—

Lieutenant-Colonel V. E. Law, Political Agent of the 3rd Class, sub. *pro tem.*, to officiate as a Political Agent of the 2nd Class.

Captain T. Hope, Officiating Political Agent of the 3rd Class, to be a Political Agent of the 3rd Class, sub. *pro tem.*

Major E. A. Fraser, Political Assistant of the 1st Class, to officiate as a Political Agent of the 3rd Class.

Lieutenant C. Herbert, Political Assistant of the 2nd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 1st Class.

Lieutenant W. H. Cornish, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant R. D. C. Davies, Political Assistant of the 3rd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 2nd Class.

Lieutenant W. E. Evans-Gordon, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

Major W. F. Prideaux, Political Agent of the 2nd Class, on return from furlough, to officiate as a Political Agent of the 1st Class, with effect from the 9th October, 1884.

Reversions.

Consequent on the return from furlough of Major W. F. Prideaux, Officiating Political Agent of the 1st Class, with effect from the 9th October, 1884.

Mr. W. J. Cuningham, from Officiating Political Agent of the 1st Class, to Officiating Political Agent of the 2nd Class.

Lieutenant-Colonel V. E. Law, from Officiating Political Agent of the 2nd Class, to Political Agent of the 3rd Class, sub. *pro tem.*

Captain T. Hope, from Political Agent of the 3rd Class, sub. *pro tem.*, to Officiating Political Agent of the 3rd Class.

Major E. A. Fraser, from Officiating Political Agent of the 3rd Class, to his substantive grade of Political Assistant of the 1st Class.

Lieutenant C. Herbert, from Officiating Political Assistant of the 1st Class, to Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant W. H. Cornish, from Political Assistant of the 2nd Class, sub. *pro tem.*, to Officiating Political Assistant of the 2nd Class.

Lieutenant R. D. C. Davies, from Officiating Political Assistant of the 2nd Class, to Political Assistant of the 3rd Class, sub. *pro tem.*

Lieutenant W. E. Evans-Gordon, from Political Assistant of the 3rd Class, sub. *pro tem.*, to Officiating Political Assistant of the 3rd Class.

Promotions.

Consequent on the appointment of Major E. A. Fraser, Political Assistant of the 1st Class, to officiate as a Political Agent of the 3rd Class, with effect from the 26th October, 1884—

Lieutenant C. Herbert, Political Assistant of the 2nd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 1st Class.

Lieutenant W. H. Cornish, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant R. D. C. Davies, Political Assistant of the 3rd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 2nd Class.

Lieutenant W. E. Evans-Gordon, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

Consequent on the deputation of Captain T. C. Pears, Officiating Political Assistant of the 1st Class, on boundary duty in Meywar-Tonk, with effect from the 26th October, 1884.

Lieutenant P. J. Melvill, Political Assistant of the 2nd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 1st Class.

Lieutenant R. D. C. Davies, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant W. E. Evans-Gordon, Political Assistant of the 3rd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 2nd Class.

Captain E. Lloyd, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

H. M. DURAND,
Officiating Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Calcutta, the 3rd December 1884.

No. 1843.—Mr. E. M. Palmer, having been appointed as Assistant Accountant General and Examiner of Local Accounts, Bengal, received charge of the said appointment from Mr. F. de H. Larpent, before noon, on the 15th November 1884.

No. 1844.—Mr. C. J. Rivett-Carnac, having been appointed to officiate as Assistant Comptroller General, received charge of the said office from Mr. T. H. Biggs, before noon, on the 30th October 1884.

No. 1845.—Mr. H. J. Brereton, Officiating Accountant General, North-Western Provinces and Oudh, having been granted furlough for one year, made over charge of his duties, after noon, on the 18th November 1884.

The following Addendum to the Codes of the Financial Department is published for general information :—

No. 1864.

CIVIL LEAVE CODE.

Page 163.

Section 59, Rule 1.

Add after the word furlough in this rule "or special leave."

No. 1899.—Colonel W. Moore-Lane, Post Master General of the Punjab, having returned from privilege leave, resumed charge of his duties from Mr. J. R. Maconachie, before noon, on the 13th November 1884.

No. 1900.—The services of Mr. J. R. Maconachie are replaced at the disposal of the Government of the Punjab, with effect from the 13th November 1884.

No. 1904.—Mr. A. D. Carey, Commissioner of Northern India Salt Revenue, having returned from privilege leave, resumed charge of his duties from Mr. A. B. Patterson, before noon, on the 20th November 1884.

No. 1906.—The services of Mr. A. B. Patterson are replaced at the disposal of the Government of the North-Western Provinces and Oudh, with effect from the 20th November 1884.

No. 1909.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to remit the stamp duty payable under the Act on sanads of jagirs and other documents conveying lands granted to individuals by Government.

2. This Notification shall have retrospective effect from 1st April 1879.

The 4th December 1884.

No. 1917.—Mr. W. H. Dobbie, having been appointed as Assistant Accountant General and Examiner of Local Accounts, Bengal, and Mr. T. H. Biggs, having been appointed to officiate as Deputy Accountant General, Punjab, Mr. Dobbie made over, and Mr. Biggs received, charge of the appointment of Deputy Accountant General, Punjab, after noon, on the 25th November 1884.

No. 1945.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read—

Letter from the Government of Bombay, No. 2518 of 22nd March 1884, forwarding a letter from Mr. S. A. Kittredge regarding the stamp duties and registration fees payable on debentures issued by Joint Stock Companies, and making certain recommendations thereon.

OBSERVATIONS.—It appears that Joint Stock Companies are now, in some cases, deterred by the expense involved under the provisions of the Stamp and Registration Acts from raising money by the issue of debentures under a deed of mortgage giving to the holders of the debentures a lien on the property of the Company. For the purpose of raising money in this way the Company would ordinarily—

(1) execute a mortgage deed making over their property to trustees for the benefit of the debenture holders,

(2) issue debentures under the terms of the trust deed.

Under the Indian Stamp Act, 1879, the mortgage or trust deed and each of the debentures would be liable separately to stamp duty. The mortgage or trust deed would be an instrument of which registration would be compulsory, and on which a registration fee would be payable. The debentures, containing a reference to real property as security, might also be held to require registration, and they would, as a precautionary measure, ordinarily be registered. Considerable expense is therefore involved in the issue of debentures of the kind described.

RESOLUTION.—With a view to reduce this expense, and to encourage investment by way of loan on the security of the property of Joint Stock Companies, the Governor General in Council has determined to exempt debentures of the kind above described and interest coupons attached thereto from stamp duty, the mortgage or trust deed remaining liable to stamp duty, and has issued a separate Notification for this purpose.

In regard to registration, His Excellency the Governor General in Council is of opinion that it is expedient that the mortgage or trust deed should continue subject to compulsory registration and to the usual registration fee. Regarding the registration of the debentures separate orders will be issued hereafter.

ORDERED, that a copy of this Resolution be forwarded to the Government of Bombay with reference to the letter read in the preamble, and to all other Local Governments and Administrations for information and guidance.

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

No. 1946.—In exercise of the powers conferred on him by Section 8 of the Indian Stamp Act, 1879, His Excellency the Governor General in Council is pleased to remit the stamp duty payable under that Act on debenture bonds issued by a Joint Stock Company under the terms of a mortgage deed, making over in whole or in part the property of the company to trustees for the benefit of the debenture-holders, and on interest coupons attached to the said debentures.

The 5th December 1884.

The following Addendum to the Codes of the Financial Department is published for general information :—

No. 1962.

CIVIL LEAVE CODE.

Page 219.

Schedule A.

Insert the following in the proper place in this Schedule :—

"Meteorological Department.—The Meteorological Reporter and the Assistant Meteorological Reporter to the Government of India."

J. F. FINLAY,
for Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 5th December, 1884.

APPOINTMENTS.

No. 645.—STAFF CORPS—

The undermentioned officers appointed by the Secretary of State probationers for the Indian Staff Corps, are posted as follows, with effect from the dates of their arrival in India :—

Bengal Staff Corps.

Lieutenant W. F. Shakespear, 4th Dragoon Guards.

Madras Staff Corps.

Lieutenant C. G. Nurse, Royal Irish Fusiliers.

Bombay Staff Corps.

Lieutenant F. T. Williams, Royal Irish Fusiliers.

No. 646.—VOLUNTEER CORPS—

Burma State Railways Volunteer Corps.

Captain Adoniah Graham Schuyler, Middlesex Regiment, to be Adjutant.

FURLOUGH AND LEAVE.

No. 647.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel and Colonel W. Jeffreys, R.E., Superintending Engineer, 1st class, N.-W. Provinces and Oudh, Public Works Department, (p. a.) for two years, under rule IX of the regulations of 1868, embarking on or after the 27th December, 1884.

Lieutenant-Colonel H. R. Spearman, Bengal S.C., Deputy Commissioner, 2nd grade, British Burma, (p. a.) for one year, under rule IX of the regulations of 1868.

Captain J. Butler, Bengal S.C., Deputy Commissioner, 3rd grade, officiating 2nd grade, British Burma, (p. a.) for one year and 28 days, under rule IX of the regulations of 1868.

Lieutenant J. Lamb, Bengal S.C., Wing Officer and Adjutant, 22nd Bengal Infantry, (p. a.) for 270 days, under rule I of the regulations of 1875.

No. 648.—Lieutenant P. B. Lindsell, Bengal S. C., Squadron Officer, 15th Bengal Cavalry, is granted furlough (u. p. a.) without pay, for the 12th October, 1883, in extension of that allowed to him in G. G. O. No. 477 of 1883.

No. 649.—Surgeon-Major G. Henderson, M. D., has been granted an extension of furlough by the Secretary of State for India (m. c.) for six months

No. 650.—Assistant Commissary and Honorary Lieutenant C. O'Gorman, Commissariat Department, is granted leave in India (p. a.) from the 13th September, 1884, to the date of his transfer to the pension establishment, under the regulations of 1868. (This cancels G. G. O. No. 496 of 1884.)

No. 651.—Sub-Conductor J. J. Carter, Commissariat Department, is granted leave in India (p. a.) from the 1st November, 1884, to the date of his transfer to the pension establishment, under rule X of the regulations of 1875.

No. 652.—Sub-Conductor T. J. Ellis, Commissariat Department, is granted leave in India (m. c.) for sixty days under rule X of the regulations of 1875, with effect from the 27th September, 1884.

PENSIONS.

No. 653.—Sub-Conductor James Joseph Carter, Commissariat Department, is transferred to the pension establishment.

PROMOTIONS.

No. 654.—Under the provisions of the Royal Warrant of the 10th November, 1881, the names of the following officers are placed on the list of Lieutenant-Colonels, on the Indian Gradation List :—

Major F. L. Haleman, Madras S. C.,

Major G. Thomas, half-pay, late Madras S. C.,

in consequence of the transfer to the Unemployed Supernumerary List of the undermentioned officers, on the 10th June, 1884, and the 7th September, 1884, respectively :—

Major-General H. A. Browne, Bengal Infantry, and

Lieutenant-General Sir S. J. Browne, K.C.B., K.C.S.I., V.C., Bengal S. C.

No. 655.—The following promotions are made, subject to Her Majesty's approval :—

BREVET.

To be Lieutenant-Colonels.

Major Frank Hale Berwick Marsh, Bengal General List, Infantry, in succession to Lieutenant-General Sir J. Forbes, Bombay Cavalry, transferred to the Unemployed Supernumerary List. Dated 10th June, 1884.

Major Vincent William Tregear, Bengal General List, Infantry, in succession to Major-General C. Dumbleton, Bengal Cavalry, transferred to the Unemployed Supernumerary List Dated 4th August, 1884.

Major Arthur Fitzgerald, Bengal General List, Infantry, in succession to General C. T. Chamberlain, C.S.I., Bengal S. C., transferred to the Unemployed Supernumerary List. Dated 23rd August, 1884.

No. 656.—ORDNANCE DEPARTMENT—

Deputy Assistant Commissary and Honorary Lieutenant Henry William Dunlop to be Assistant Commissary ;

Conductor James Spence, Head Overseer, Gun Powder Factory, Madras, to be Deputy Assistant Commissary (Seconded) ;

Conductor Edward Hickey to be Deputy Assistant Commissary ;

Sub-Conductor Henry E. Dallison to be Conductor ;

Sergeant Joseph Irwin to be Sub-Conductor, on probation,

With effect from the 13th August, 1884, *vice* Assistant Commissary and Honorary Lieutenant J. McManus, deceased.

Sergeant George Evans to be Sub-Conductor, on probation, *vice* Sub-Conductor G. H. Gregory, deceased, with effect from the 6th September, 1884.

No. 657.—

Sub-Conductor Henry Staff to be Conductor ;

Supernumerary Sub-Conductor Arthur Frederick Wickham to be absorbed as a Sub-Conductor ;

With effect from the 14th November, 1883, *vice* Conductor J. Fox, pensioned.

Sub-Conductor George Edward Vowles to be Conductor ;

Sergeant Thomas Howard to be Sub-Conductor, on probation,

With effect from the 9th April, 1884, *vice* Conductor G. Young, pensioned.

Sub-Conductor (Supernumerary Conductor) James Buchanan to be Conductor ;

Sergeant (Supernumerary Sub-Conductor) Ebenezer Johnson to be Sub-Conductor,

With effect from the 10th April, 1884, *vice* Conductor H. Todman, pensioned.

Sergeant Alexander Sandilands to be Sub-Conductor, on probation, with effect from the 6th May, 1884, *vice* Sub-Conductor T. Howard, deceased.

Sub-Conductor Francis Deane to be Conductor ;

Sergeant Thomas John Scott to be Sub-Conductor, on probation,

With effect from the 7th June, 1884, *vice* Conductor W. Wilson, pensioned.

Sub-Conductor Henry Jepson to be Conductor ;

Sergeant Patrick Halpin to be Sub-Conductor, on probation,

With effect from the 2nd July, 1884, *vice* Conductor H. Harwood, pensioned.

No. 658.—COMMISSARIAT DEPARTMENT—

Sergeant William Myers to be Sub-Conductor, with effect from 21st September, 1884, *vice* Sub-Conductor Jo. Sherry, deceased.

PUBLIC WORKS DEPARTMENT.

No. 659.—Sergeant Ansell Samuel McDowell to be Sub-Conductor, with effect from the 12th June, 1884.

No. 660.—PUNJAB FRONTIER FORCE—

6th Punjab Infantry.

Havildar Jalabudin to be Jemadar, *vice* Ghulam Mahomed, resigned,—5th November, 1884.

REWARDS.

No. 661.—GOOD SERVICE PENSIONS—

In consequence of the succession of Lieutenant-General F. R. Maunsell, C.B., to the Colonel's allowance, on the 10th July, 1884, the dates from which the good service pensions conferred in G. G. Orders Nos. 585 and 644 of 1884 will have effect, as follows :—

Colonel G. T. Chesney, Royal (late Bengal) Engineers, from the 10th July, 1884, *vice* Lieutenant-General F. R. Maunsell, C.B., succeeded to the Colonel's allowance.

Colonel H. A. Brownlow, Royal (late Bengal) Engineers, from the 27th July, 1884, *vice* Major-General A. B. Johnson, C.B, succeeded to the Colonel's allowance.

MARINE DEPARTMENT.

DISMISSALS.

No. 56.—Mr. R. J. Vincent, Assistant Engineer, Indian Marine, is dismissed the service.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 5th December, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the under-mentioned Warrrnt Officers, on the dates specified were received in the Military Department between the 29th November and 5th December, 1884 :—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Military Works Department.	Conductor H. T. Mudge	7th Nov., 1884	Lucknow.		
Ordnance Department	Honorary Captain J. Loughlin	19th Nov., 1884	Rawal Pindi.		

Statement of Deposits on account of Estates between the 29th November and 5th December, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Indian Military Service.					R a. p.		
John Finnis	Lieutenant-Colonel.	Bengal S. C.	12th Sept., 1884	Will left	1,205 8 3		

Widow—Florence Stanley Finnis.
Children—
John Fortescue.
Florence May Antonia.
George Home.
Caroline Beatrice Quisted.
Hubert Benjamin.
Muriel Louise.
Vivian Decimus.
Address—Care of T. C. Finnis, Esq., 18, York Terrace, Regent Park, London.
Administrator General, Bengal, administering.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Fort William, the 4th December 1884.

No. 289.—During the absence of the Accountant General, Public Works Department, from Simla, the Examiner of Accounts, Military Works, will have charge of the State Railway Stores Accounts Office.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

№ 50. } CALCUTTA, SATURDAY, DECEMBER 13, 1884.

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

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PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

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

Nothing for publication.

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

The Panch Mahals Laws Bill, 1884.

SUPPLEMENT **No. 50.**

PART I.

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

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 9th December 1884.

With reference to Home Department Notification in the *Gazette of India* of November 22nd on the arrival of the Earl of Dufferin in Calcutta, the route taken will be by Strand Road, Fairlie Place, Dalhousie Square North, and so down Old Court House Street into Government House through North-East Entrance.

All Gentlemen entitled to the Private Entrée at Government House will enter by South-East Gate, alight on the South Entrance and will proceed through Government House to the top of the Grand Staircase.

The carriages of Gentlemen (except such as have the Private Entrée) will enter the North-East Gate and alight at the Grand Staircase, and pass out by the North-West Gate.

The Gates of Government House compound will be closed at 4-15 P.M., Calcutta time, after which no carriages will be allowed to enter the compound till after the arrival of the Earl of Dufferin.

By Command,

WILLIAM BERESFORD, *Captain,*
Military Secretary to the Viceroy.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Fort William, the 8th December, 1884.

No. 23.—The following Statute is published for general information :—

ARMY (ANNUAL) ACT, 1884.

Arrangement of Sections.

SECTION.

1. Short title.
2. Army Act (44 & 45 Vict. c. 58) to be in force for specified times.
3. Prices in respect of billeting.

Amendments of Army Act, 1881.

4. Amendment of s. 32 of 44 & 45 Vict. c. 58.
5. Unauthorised punishments.
6. Amendment of s. 154 of 44 & 45 Vict. c. 58 as to apprehension of deserters.
7. Amendment of s. 179 (12) of 44 & 45 Vict. c. 58 as to the Royal Marines.
8. Printing of amendments.

SCHEDULE.

47 VICT. CHAPTER 8.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army. [28th April, 1884.]

WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law :

And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and forty thousand three hundred and fourteen men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions :

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid :

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea :

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow :

And whereas the Army Act, 1881, will expire— 44 & 45 Vict. c. 58.

(*a*) In the United Kingdom, the Channel Islands and the Isle of Man, on the thirtieth day of April one thousand eight hundred and eighty-four; and

(*b*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July one thousand eight hundred and eighty-four ; and

(*c*) Elsewhere, whether within or without Her Majesty's dominions, on the thirty-first day of December one thousand eight hundred and eighty-four :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Army (Annual) Act, 1884.

Army Act (44 & 45 Vict. c. 58) to be in force for specified times.

2.—(1.) The Army Act, 1881, shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament; that is to say,

(*a*) Within the United Kingdom, the Channel Islands and the Isle of Man, from the thirtieth day of April one thousand eight hundred and eighty-four to the thirtieth day of April one thousand eight hundred and eighty-five, both inclusive ; and

(*b*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the 31st day of July one thousand eight hundred and eighty-four to the thirty-first day of July one thousand eight hundred and eighty-five, both inclusive ; and

(*c*) Elsewhere, whether within or without Her Majesty's dominions, from the thirty-first day of December one thousand eight hundred and eighty-four to the thirty-first day of December one thousand eight hundred and eighty-five, both inclusive ;

and the day from which the Army Act, 1881, is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

(2.) The Army Act, 1881, while in force shall apply to persons subject to military law, whether within or without Her Majesty's dominions. 44 & 45 Vict. c. 58.

(3.) A person subject to military law shall not be exempted from the provisions of the Army Act, 1881, by reason only that the number of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act, 1881, the prices specified in the Schedule to this Act.

Amendments of Army Act, 1881.

Amendment of s. 32 of 44 & 45 Vict. c. 58.

4. In section thirty-two, sub-section one, of the Army Act, 1881, the words "penal servitude" shall be omitted, and the word "imprisonment" shall be substituted.

Unauthorised punishments.

5. Whereas questions have arisen as to the punishments which may be inflicted on persons subject to military law under the Army Act, 1881, under or by virtue of powers derived from foreign potentates or rulers, and whereas it is expedient to determine such questions : Be it therefore enacted as follows :

There shall be added to section forty-four of the Army Act, 1881, at the end of the section, the following enactment :

No officer or non-commissioned officer shall, under or by virtue of any power or authority derived from any foreign potentate or ruler, inflict, or cause to be inflicted, on any person subject to military law under this Act, for or in respect of any offence against such law, any punishment not authorised by this Act.

The above enactment shall be numbered as sub-section (13).

Amendment of s. 154 of 44 & 45 Vict. c. 58 as to apprehension of deserters.

6. Whereas by section one hundred and fifty-four of the Army Act, 1881, any constable is authorised to apprehend a person upon reasonable suspicion that he is a deserter, and it is expedient to authorise a justice to grant a warrant for such apprehension : Be it therefore enacted as follows :

There shall be added to section one hundred and fifty-four of the Army Act, 1881, after the first sub-section, the following enactment :

(2.) A justice of the peace, magistrate or other person having authority to issue a warrant for the apprehension of a person charged with crime, may, if satisfied by evidence on oath that a deserter is or is reasonably suspected to be within his jurisdiction, issue a warrant authorising such deserter to be apprehended and brought forthwith before a court of summary jurisdiction.

The above enactment shall be numbered as sub-section (2), and the numbers of the subsequent sub-sections in the said section one hundred and fifty-four shall be altered accordingly.

Amendment of s. 179 (12) of 44 & 45 Vict. c. 58 as to the Royal Marines.

7. Whereas the twelfth sub-section of section one hundred and seventy-nine of the Army Act, 1881, is as follows :

"Nothing in the provisions of this Act relating to the term of enlistment, to the conditions of service, to appointment or transfer, to transfer to the reserve, to the re-engagement or prolongation of service, or to forfeiture of service of a soldier of the regular forces, or to the rules for reckoning service for discharge or transfer to the reserve, shall apply to the Royal Marines :"

And whereas it is expedient to provide for the transfer of a man of the Royal Marines with his consent to another portion of Her Majesty's regular forces : Be it therefore enacted as follows :

There shall be added to section one hundred and seventy-nine of the Army Act, 1881, at the end of the twelfth sub-section, the following enactment :

Save that if regulations made by a Secretary of State and the Admiralty provide for the transfer of men of the Royal Marines to any other part of Her Majesty's regular forces, a man of the Royal Marines may, with his consent, be so transferred in accordance with the said regulations, and, subject to those regulations, shall become a soldier of the said part of Her Majesty's regular forces in like manner, so nearly as circumstances admit, as if he had been enlisted in pursuance of this Act.

Printing of amendments.

8. In all copies of the Army Act, 1881, which may be printed after the commencement of this Act, the words by this Act directed to be added shall be added thereto and printed therein.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Twopence halfpenny per night.
Hot meal as specified in Part I of the Second Schedule to the Army Act, 1881.	One shilling and one penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Fourpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer .	Two shillings per night.

NOTE.—An officer shall pay for his food.

D. FITZPATRICK,

Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Calcutta, the 9th December 1884.

No. 1969.—With reference to the *Gazette of India Extraordinary* of the 18th November 1884, announcing the arrangements to be made for the reception of the Right Honourable the Earl of Dufferin, upon the occasion of his arrival to assume the office of Viceroy and Governor General of India, it is hereby notified for general information that Lord Dufferin is expected to arrive at the Howrah terminus of the East Indian Railway at 4 P.M. (Calcutta time) on Saturday, the 13th instant.

The 10th December 1884.

No. 1974.—Under the provisions of section 27 (*b*) of the Indian Arms Act, 1878, the Governor General in Council is pleased to cancel clause (*d*) of Part III of Home Department Notification No. 518, dated the 6th March 1879, whereby the Arakan Hill Tracts of British Burma are exempted from the prohibitions and directions contained in sections 13 and 14 of the Arms Act, and to subject the said Hill Tracts to the operation of the said prohibitions and directions.

ESTABLISHMENTS.

The 10th December 1884.

No. 274.—The services of Mr. E. G. Colvin, C.S., are temporarily placed at the disposal of the Foreign Department, with effect from the date on which they are made available by the Chief Commissioner of Assam.

No. 278.—The services of Colonel T. G. Clarke, Commissioner of Coorg, are placed at the disposal of the Foreign Department.

PORT BLAIR.

The 8th December 1884.

No. 694.—With reference to this Department Notification No. 687, dated the 2nd instant, placing the services of Lieutenant-Colonel M. Protheroe, C.S.I., at the disposal of the Government of Madras, with effect from the 1st idem, the unexpired portion of the privilege leave for three months which was granted to Lieutenant-Colonel Protheroe in the Notification marginally noted, and of which he availed himself on the afternoon of the first ultimo, is hereby cancelled.

*Home Department Notification No. 518, dated 14th August 1884.

EDUCATION.

The 12th December 1884.

No. 351.—Under section 12 of Act II of 1857, the Governor General in Council is pleased to authorize the affiliation of the Benares College to the University of Calcutta up to the B.L. Standard, with effect from the 1st of August 1884.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—METEOROLOGY.

Calcutta, the 12th December 1884.

No. 159 *Met.*—Mr. H. F. Blanford, Meteorological Reporter to the Government of India, is granted privilege leave of absence for three months with effect from the 10th December 1884.

Mr. S. A. Hill, Meteorological Reporter to the Government of the North-Western Provinces and Oudh, is appointed to officiate for Mr. Blanford as Meteorological Reporter to the Government of India in addition to his other duties.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 6th December, 1884.

No. 2351 *G.*—The following reversions and postings will take place consequent on the return from furlough of Sir L. H. Griffin, K.C.S.I., C.S., Resident of the 1st Class, and Agent to the Governor-General in Central India :—

Colonel P. W. Bannerman, Officiating Resident of the 1st Class, and Officiating Agent to the Governor-General in Central India, reverts to his substantive appointment of Resident of the 2nd Class, and Resident at Gwalior.

Colonel J. C. Berkeley, Officiating Resident of the 2nd Class, and Officiating Resident at Gwalior, reverts to his substantive grade of Political Agent of the 1st Class. Colonel Berkeley is posted as Political Agent in Bundelcund, with effect from the date of assuming charge.

Captain T. Hope, Officiating Political Agent of the 3rd Class, and Political Agent in Bundelcund, is posted as Political Agent, Kelat, with effect from the date of assuming charge.

The 9th December, 1884.

No. 2368 *G.*—Lieutenant-Colonel H. M. B. Burlton, Cantonment Magistrate, Mhow, is transferred in the same capacity to Morar, *vice* Lieutenant-Colonel A. L. Playfair.

Lieutenant-Colonel A. L. Playfair, Cantonment Magistrate, Morar, is transferred in the same capacity to Mhow, *vice* Lieutenant-Colonel H. M. B. Burlton.

No. 2370 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Harold Curjel as Consul for Denmark at Bombay.

INTERNAL.

The 6th December, 1884.

No. 4334 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Ganga Bisto Rai, the title of "Rai Bahadur," as a personal distinction.

No. 4335 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Khettar Chandra Banerji the title of "Rai Bahadur," as a personal distinction.

The 11th December, 1884.

No. 4380 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Deno Nath Ghose, late Superintendent of the Pension, &c., Branch of the Office of the Secretary to the Government of India in the Department of Finance and Commerce, the title of "Rai Bahadur," as a personal distinction.

EXTERNAL.

No. 3054 *E.*—In continuation of the Notification of the Foreign Department, No. 1255*E.*, of the 21st May, 1884, extending to the Cantonment of Quetta the provisions of the rules and regulations framed under Act XXII of 1864, the Governor-General in Council is pleased to declare that the words "Local Government," when they occur in the said rules and regulations, shall be deemed to mean "the Governor-General's Agent in Baluchistan," in each case in which they occur, with the exception of the rules hereafter mentioned, *viz.*—

Chapter II.—Rule 1.
Chapter II.—Rule 9.
Rule 12.
Rule 25.
Rule 27.
Rule 29.
Rule 31.
Rule 36.
Chapter IV.—Rule 35.

In respect to the rules enumerated above, the term "Local Government" means the Governor-General in Council.

The 12th December, 1884.

No. 3062 *E.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Kishen Singh, Milwal of Milam, the title of "Rai Bahadur," as a personal distinction.

H. M. DURAND,
Offi ciating Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.—LEAVE AND APPOINTMENTS.

Calcutta, the 11th December 1884.

No. 2011.—Mr. F. de H. Larpent, Assistant Accountant General, Punjab, having been granted privilege leave for three months, availed himself of the leave, before noon, on the 15th November 1884.

No. 2096.—*Erratum.*—In line 2 of the notification by the Government of India in the Department of Finance and Commerce, No. 1845, dated the 3rd December 1884, published at page 454, Part I of the *Gazette of India* of the 6th idem, for "*Accountant General*" read "*Assistant Accountant General.*"

No. 2102.—Captain G. W. Martin, Assay Master, Bombay Mint, having returned from leave on urgent private affairs, resumed charge of his duties from Surgeon-Major J. Scully, before noon, on the 2nd December 1884.

The 12th December 1884.

No. 2116.—Mr. T. H. S. Biddulph, having been appointed Comptroller, Hyderabad, made over charge of the duties of Assistant Accountant General, North-Western Provinces and Oudh, after noon, on the 2nd December 1884.

No. 2139.—Surgeon-Major J. Scully, having been relieved of the duties of Assay Master, Bombay Mint, resumed charge of his officiating appointment of Assay Master, Calcutta Mint, from Mr. F. W. Peterson, before noon, on the 11th December 1884.

No. 2140.—Mr. F. W. Peterson, Deputy Assay Master, Calcutta Mint, having been relieved of the duties of Officiating Assay Master, Calcutta Mint, resumed charge of his duties from Surgeon H. P. Yeld, before noon, on the 11th December 1884.

No. 2141.—Mr. W. H. Dobbie, having been appointed Assistant Accountant General and Examiner of Local Accourts, Bengal, received charge of the said appointment from Mr. E. M. Palmer, before noon, on the 10th December 1884.

No. 2142.—Mr. E. M. Palmer, having been appointed as Assistant Comptroller General attached to the Office of the Comptroller of India Treasuries, received charge of his duties from Babu Preonath Dutt, after noon, on the 2nd December 1884.

Babu Preonath Dutt having been relieved of his duties in the Office of the Comptroller of India Treasuries, resumed charge of his appointment as Chief Superintendent in the Office of the Comptroller and Auditor General, after noon, on the 2nd December 1884.

The following Corrigenda to the Codes of the Financial Department are published for general information :—

No. 2039.

CIVIL PENSION CODE.

Page 31.

Section 65.

Strike out the following words in lines 4 and 5 of this section :—

"or in the Bengal Presidency as a Supernumerary Assistant Surgeon."

CIVIL LEAVE CODE.

Page 194.

Section 127.

Rule 6.

In this rule strike out the words from "or" to "Surgeon" in the 2nd and 3rd lines, and from "but" in the third line to the end of the rule.

PAPER CURRENCY.

The 11th December 1884.

No. 2118.—*Abstract of Accounts of the Department of Issue of Paper Currency on the 30th November 1884, published as required by Section 27 of the Indian Paper Currency Act XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	TOTAL.
	₹	₹	₹	₹
Calcutta . . .	7,23,67,675	1,68,12,677	1,50,28,668	3,18,41,345
Allahabad . .	72,45,000	72,12,340	...	72,12,340
Lahore . . .	83,55,815	87,90,040	...	87,90,040
Bombay . . .	4,99,09,745	2,37,32,570	51,68,555	2,89,01,125
Kurrachee . .	27,73,440	38,48,935	28,800	38,77,435
Madras . . .	1,34,33,895	49,32,480	6,30,000	55,62,480
Calicut . . .	12,99,605	7,72,355	9,500	7,81,855
Rangoon . . .	21,82,245	1,06,60,800	...	1,06,60,800
TOTAL .	15,76,27,420	7,67,61,897	2,08,65,523	9,76,27,420
Price paid for Government Securities of the nominal value of ₹6,25,21,700 held under Section 19 of the Act . .				6,00,00,000
GRAND TOTAL .				15,76,27,420

SEPARATE REVENUE.

Commerce and Trade.

Merchant Shipping.

The 12th December 1884.

No. 2081.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read—

Notifications by the Government of India, No. 359, dated 20th January 1882, No. 1366, dated 26th May 1882, and No. 854, dated 9th May 1884.

Resolution by the Government of India, No. 855, dated 9th May 1884.

Letter from Messrs. Mackinnon, Mackenzie, & Co., Calcutta, No. 296, dated 7th June 1884.

Letter from the Chief Commissioner, British Burma, No. 222-7M.S., dated 9th June 1884, and enclosure.

Letter from the Chief Commissioner, British Burma, No. 604-7M.S., dated 21st July 1884, and enclosures.

Letter to the Chief Commissioner, British Burma, No. 3607, dated 22nd September 1884.

RESOLUTION.—By the Notification of 20th January 1882 read in the preamble, voyages made by steamers between ports on the Coromandel coast and those on the east coast of the Bay of Bengal were declared "short" voyages under the Native Passenger Ships Act, 1876. The order was issued on representations received from the parties interested that steamers never occupied more than 120 hours in the voyage across the Bay. The Notification of 26th May 1882, issued under the same Act, declared the period from 1st May to 31st August to be the season of "foul weather" on the coast of British Burma. During the foul seasons of 1882 and 1883 a considerable proportion of the steamers plying from ports in British Burma to those on the Coromandel coast failed to make the voyage across the Bay within 120 hours. In each case the delay was attributed to tempestuous weather, and as this is the normal weather of that time of the year, the concession of plying on short voyage certificates during the foul season was withdrawn from these steamers, and a Notification issued on the 9th May 1884 declaring voyages during that season from Moulmein or Rangoon, or ports north of Rangoon to Negapatam, or ports north of Negapatam on the Coromandel Coast, to be "long" voyages under the Act.

2. The Agents of the British India Steam Navigation Company have now represented that this ruling operates with undue severity upon those of their steamers sailing between the Burman and Coromandel coasts, which have vacant space between decks available for the reception of deck-passengers in bad weather, and they state that, unless the steamers employed in the native passenger traffic from the Burman to the Madras coast are allowed to carry the number of passengers permissible under a "short voyage" certificate, they must either withdraw from this traffic or the rates of passage money must be raised to a level which native deck-passengers could never afford to pay. This representation has received some support from the local authorities in British Burma, the Chief Commissioner deprecating a change which might have the effect of materially raising the fares charged for the passage of coolies returning from Burma to Madras at the end of the rice season.

3. The Governor General in Council is not satisfied that there is any substantial prospect that the fares will in fact be raised by the owners of these steamers to a level which would be felt to be oppressive, and on the other hand there is abundant evidence of the hardship, discomfort, and danger to life and property which were involved in the carriage of deck-passengers in the large numbers permitted by a "short voyage" certificate across the Bay of Bengal during the monsoon months.

4. The hardship and danger may, however, be so materially reduced as practically to disappear if a steamer is permitted to carry a larger number of passengers than is permissible under the law when the steamer has a "long voyage" certificate, provided it is understood that no cargo is carried between decks, and that that portion of the vessel is kept entirely free and unencumbered and available for the shelter of passengers in bad weather.

5. With this condition it will be possible to modify the present orders in such a way as to give relief to the owners of the steamers carrying coolies without at the same time reverting to the state of things which followed on the working of the orders of 20th January 1882.

6. Accordingly, the Governor General in Council is pleased to notify, under the powers vested in him by Section 49 of the Native Passenger Ships Act, 1876, that in the case of steamers making the voyages specified in the Notification of this Department, No. 854, dated the 9th May 1884, the space prescribed by the second clause of Section 22 of the Act shall be reduced from nine to five superficial feet for every passenger, the cubic space being proportionately reduced. Provided that such steamers shall at the same time have their upper decks provided with bulwarks, awnings, and other protection against the weather as prescribed in the last clause of Section 19 of the Act, and that the upper deck and between decks shall be wholly available for the reception of passengers.

7. This order may be acted upon from the date of its publication in the *Gazette of India*. Its operation should be carefully watched by the authorities at the Ports of Burma and of Madras, and the Governor General in Council desires that a report of the results may, if possible, be furnished by the end of October 1885.

ORDERED, that a copy of the foregoing Resolution be forwarded to the Government of Madras and to the Chief Commissioner of British Burma for information and guidance.

Also, that the Resolution be published in the *Gazette of India*.

No. 2124.—The following Order in Council, exempting from re-measurement in Her Majesty's dominions, Belgian vessels the tonnage of which is denoted in the certificates of Belgian nationality or registry issued after the 1st January 1884, is published for general information:—

AT THE COURT OF BALMORAL.

The 17th day of October 1884.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that, whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of Merchant Ships for the time being in force under the principal Act have been adopted by the Government of any Foreign Country, and are in force in that Country, it shall be lawful for Her Majesty, by Order in Council, to direct that the ships of such Foreign Country shall be deemed to be of the tonnage denoted in their certificates of registry, or other national papers; and thereupon it shall no longer be necessary for such ships to be re-measured in any port or place in Her Majesty's Dominions, but such ships shall be deemed to be of the tonnage denoted in their Certificates of Registry, or other papers, in the same manner, to the same extent, and for the same purpose, in, to and for which the tonnage denoted in the Certificates of Registry of British ships is to be deemed the tonnage of such ships:

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of Merchant Ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the Government of His Majesty the King of the Belgians, with the exception of a slight difference in the mode of estimating the allowance for engine-room, and such rules are now in force in that Country, having come into operation on the 1st day of January 1884:

HER MAJESTY is hereby pleased, by and with the advice of Her Privy Council, to direct as follows:—

1. As regards sailing ships, that merchant sailing ships belonging to Belgium, the measurement whereof on or after the said 1st day of January 1884, shall have been ascertained and denoted in the Certificates of Registry, or other national papers of such sailing ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such Certificates of Registry, or other national papers, in the same manner, and to the same extent, and for the same purpose, in to and for which the tonnage denoted in the Certificates of Registry of British sailing ships is deemed to be the tonnage of such ships.

2. As regards steam ships, that merchant ships belonging to Belgium which are propelled by steam or any other power requiring engine-room, the measurement whereof on or after the said 1st day of January, 1884, shall have been ascertained and denoted in the Certificates of Registry, or other national papers of such steam ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such Certificates of Registry, or other national papers, in the same manner, and to the same extent, and for the same purpose, in to and for which the tonnage denoted in the Certificates of Registry of British ships is deemed to be the tonnage of such ship, provided, nevertheless, that, if the owner or master of any such steam-ship desires the deduction for engine-room in such ship to be estimated under the rules for engine-room measurement and deduction applicable to British ships, instead of under the Belgian rules, the engine-room shall be measured, and the deductions calculated, according to the British Rules.

C. L. PEEL.

D. BARBOUR,

Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 12th December, 1884.

APPOINTMENTS.

No. 662.—ADJUTANT GENERAL'S DEPARTMENT—

Captain C. D. Cave, Suffolk Regiment, to be a Deputy Assistant Adjutant General for Musketry, *vice* Major P. Walker, deceased. Dated 1st December, 1884.

No. 663.—DIVISIONAL STAFF—

Major-General M. Dillon, C.B., C.S.I., Her Majesty's Service, to the Divisional Staff of the Army, *vice* Lieutenant-General R. Hume, C.B., whose term of service on the staff has expired. Dated 29th November, 1884.

FURLOUGH AND LEAVE.

No. 664.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant T. H. Bairnsfather, Bengal S.C., Wing Officer, 29th Bengal Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

No. 665.—Surgeon-Major J. Duke, Medical Officer, Malwa Bheel Corps, is granted leave in India (p. a.) for 121 days under rule X of the regulations of 1875.

No. 666.—Sub-Conductor C. Lewis, Supervisor, 1st grade, Punjab, Military Works Department, is granted leave in India (m. c.) for 42 days, under rule X of the regulations of 1875, with effect from the 10th October, 1884.

No. 667.—Colonel F. C. Anderson, Bengal S.C., is permitted to reside in Europe.

No. 668.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Major T. O. Wingate, Bengal S.C., (m. c.) for two months.

Major F. H. Maitland, Bengal S.C., (u. p. a.) for 91 days, under rule XI of the regulations of 1868.

Lieutenant J. G. Day, R.E., (u. p. a.) for 54 days, under rule XI of the regulations of 1868.

Surgeon-Major J. Kelly, M.D., (m. c.) for 6 months.

Surgeon-Major C. H. Joubert, M.B., (p. a.) for 9 days.

PROMOTIONS.

No. 669.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Walter Ernest Forbes,—10th December, 1884.

Major and Brevet Lieutenant-Colonel Francis William Collis,—10th December, 1884.

Major William Barron,—11th December, 1884.

Major William James Wemyss Muir,—11th December, 1884.

Major Clayton Turner Lane,—11th December, 1884.

Major William Saurin Brooke,—11th December, 1884.

Major Charles McNeile,—11th December, 1884.

Major and Brevet Lieutenant-Colonel John Munro Sym,—11th December, 1884.

Major and Brevet Lieutenant-Colonel Arthur Gore Handcock,—11th December, 1884.

Major Robert Smyth-Thompson,—11th December, 1884.

To be Colonels.

Lieutenant-Colonel Richmond Houghton, Madras S.C.,—9th December, 1884.

Lieutenant-Colonel Alexander McGoun, Madras S.C.,—9th December, 1884.

Lieutenant-Colonel Thomas Lowndes, Madras S.C.,—10th December, 1884.

Lieutenant-Colonel Bryan William Broughton, Madras S.C.,—10th December, 1884.

Lieutenant-Colonel Robert Elphinstone Boyle, Bengal S.C.,—10th December, 1884.

RETIREMENTS.

No. 670.—Colonel Henry Tyndall, C.B., Bengal S.C., has been permitted to retire from the service, with effect from the 8th November, 1884, subject to Her Majesty's approval.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 57.—With reference to G.G.O. No. 33 of 1884, the following alterations are made in the dates of appointment of the officers named below:—

Engineer J. Morton,—5th April, 1884.

Assistant Engineer D. Jones,—29th April, 1884.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 12th December, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that a report of the death of the undermentioned Commissioned Officer, on the date specified, was received in the Military Department between the 6th and the 12th December, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Royal Engineers .	Lieutenant H. K. Stothert .	2nd Dec., 1884 .	Kurrachi.		

Statement of Deposits on account of Estates between the 5th and the 12th December, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					₹ a. p.		
British Military Service.							
Charles Carnegie Thackeray (*a*).	Lieutenant .	Cheshire Regiment.	23rd June, 1884.	Intestate .	266 0 0	...	2nd Jan., 1885.

(*a*) *Vide* Notification of 3rd November, 1884.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 9th December 1884.

No. 290.—Mr. R. Tyndall, Superintending Engineer, 1st Class, Punjab, is permitted at his own request to retire from the service of Government, with effect from the 15th December 1884.

No. 291.—Major J. W. Ottley, R.E., Executive Engineer, 1st Grade, Punjab, is promoted permanently to Superintending Engineer, 3rd Class, with effect from 15th December 1884.

No. 292.—Mr. W. B. Harington, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as Superintending Engineer, with the temporary rank of 3rd Class, with effect from 15th December 1884.

The 10th December 1884.

No. 293.—Mr. R. A. Way, Executive Engineer, 3rd Grade, Railway Branch, having returned to duty from service under the Bengal and North-Western Railway Company, Limited, is placed under the orders of the Government of Bengal for employment on State Railways.

The 11th December 1884.

No. 294.—The services of Mr. S. C. G. Wood, Class IV, Superior Revenue Establishment of State Railways, Traffic Department, are, on his return from furlough, placed at the disposal of the Director General of Railways.

No. 295.—Mr. A. S. Wyman, Class IV, Superior Revenue Establishment, Traffic Department, is transferred from the Establishment under the Director General of Railways to that under the Chief Commissioner, British Burmah.

No. 296.—Lieutenant-Colonel J. Grierson B.S.C., Officiating Examiner, Public Works Accounts, Bombay, is appointed Examiner, Public Works Accounts, North-Western Provinces and Oudh, and will join at the public expense.

Mr. W. H. Brand, Examiner of Imperial State Railway Accounts, North-Western Provinces and Central India, is appointed to officiate as Examiner, Public Works Accounts, North-Western Provinces and Oudh, in addition to his own duties until the arrival of Lieutenant-Colonel J. Grierson.

The 12th December 1884.

No. 297.—The following is published for general information:—

No. 1432G., dated 12th December 1884.

RESOLUTION—By the Government of India, Public Works Department.

Read again—

Public Works Despatch to the Secretary of State, No. 43, dated 29th August 1884.

Read also—

Public Works Despatch from the Secretary of State, No. 61, dated 23rd October 1884.

RESOLUTION.—The Secretary of State has approved of a proposal, put forward by the Government of India, for improving the emoluments of Sub-Engineers, 1st grade, and Accountants, 1st grade, of long and meritorious service; and the Governor General in Council is pleased to issue the following rules:—

I.—An increment of Rs. 50 a month may be given by Local Governments and Administrations to—

(*a*) Sub-Engineers, 1st grade, who have been five years continuously in receipt of the pay of their grade.

(*b*) Accountants, 1st grade, who have been five years in receipt of the maximum pay of their grade.

II.—A second increment of Rs. 50 a month may be given to an officer of either of the above classes after 10 years' such service.

III.—These increments are not to be given merely on account of long service, but only on special recommendations to the Local Government or Administration, in each case, on account of exceptionally good service.

IV.—The increments may be given to those who are decided to be entitled to one or both, with effect from 13th November 1884.

The Secretary of State has requested the Government of India to draw special attention to the third of these rules.

The Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh and the Punjab, in the Public Works Department.
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Biluchistan.
The Accountant General, Public Works Department.
The Inspector General of Military Works.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow.
The Superintendent of Works, Simla Imperial Circle.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments and Administrations named in the margin, and that it be published in the *Gazette of India* and in all local official Gazettes.

No. 298.—Mr. A. B. Gatherer, Executive Engineer, 1st Grade, British Burma, is transferred at the public expense to Hyderabad.

No. 299.—The services of Mr. A. J. Hughes, Executive Engineer, 1st Grade, Bengal, are placed at the disposal of the Foreign Department.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No 51. } CALCUTTA, SATURDAY, DECEMBER 20, 1884.

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

CONTENTS.

PART I.—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor General's Council assented to by the Governor General:—
An Act to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22:—
The Panch Mahals Laws Bill, 1884.
A Bill to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend the Excise Act, 1881, and the Bengal Excise Act, 1878.
The Indian Sea Passengers Bill, 1884.

SUPPLEMENT No. 51.

PART I.

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

MILITARY SECRETARY'S OFFICE.

NOTIFICATIONS.

Calcutta, the 13th December 1884.

His Excellency the Viceroy and Governor General will hold a Levée at Government House, Calcutta, on Saturday, the 20th December 1884, at 9-30 P.M.

All Civil and Military Officers are invited to attend.

Gentlemen purposing to attend the Levée are requested to send their cards to the Aide-de-Camp in waiting, not later than Tuesday, the 16th December 1884, after which no cards will be received, and to bring with them to the Levée two cards with their names legibly written on them. One to be given on entering Government House, and the other to the Aide-de-Camp in waiting at the time of presentation.

Gentlemen who have not already been presented at the Court of St. James or at Government House will be good enough to add the names of Gentlemen who will present them.

The Levée will be closed by the Native Officers of the Garrison being presented by their Commanding Officers.

Gentlemen wearing uniform will appear in full dress.

Gentlemen not wearing uniform will appear in evening dress.

The carriages of Gentlemen (except such as have the private entrée) attending the Levée will enter by the North-East Gate, set down under the Grand Staircase, and pass out by the North-West Gate.

Their Excellencies the Viceroy and the Countess of Dufferin will hold a Drawing-Room at Government House, Calcutta, on Tuesday, the 23rd December 1884, at 9-30 P.M.

Ladies purposing to attend the Drawing-Room are requested to send their Cards and Addresses to the Aide-de-Camp in waiting, not later than Friday, the 19th December 1884, after which "*No Cards*" will be received, and to bring with them to the Drawing-Room two cards with their names legibly written on them, one to be given on entering Government House, and the other to the Aide-de-Camp in waiting at the time of presentation.

Ladies who have not already been presented at the Court of St. James or at Government House are requested to send their cards with their addresses and the name of the Lady by whom they are to be presented to the Aide-de-Camp in waiting as soon as possible.

Ladies who present others should themselves attend the Drawing-Room.

The Carriages of those who have the private entrée will enter by the South-East Gate and set down at the South Entrance of Government House.

All other Carriages will enter by the North-East Gate, set down under the Grand Stairs, and pass out by the North-West Gate.

By Command,

WILLIAM BERESFORD, *Captain*,
Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Calcutta, the 13th December 1884.

No. 1999.—The Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, Vice-Admiral of Ulster, and a Baronet, appointed by the Queen-Empress to be Her Imperial Majesty's Viceroy and Governor General of India, arrived by the

East Indian Railway at Howrah at 4 P.M. this day, attended by his personal staff, an Aide-de-Camp of the Viceroy, and by a deputation from the Government of Bengal. Lord Dufferin was received at the Howrah Railway Station by the Secretaries to the Government of India, the Military Secretary and Aides-de-Camp to the Viceroy, by the Commissioner of Burdwan, one of the Secretaries of the Government of Bengal, the Brigadier-General Commanding the Presidency District with the District Staff, the Commissioner of Police and Chairman of the Justices of the Peace for the Town of Calcutta, the Sheriff of Calcutta, and the Magistrate of Howrah. Lord Dufferin then proceeded to Government House, and at 4-45 P.M. took his seat as Viceroy and Governor General in His Excellency's Council.

2. The following Proclamation is published by order of the Right Honourable the Governor General in Council:—

PROCLAMATION.

WHEREAS the Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye, in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, Vice-Admiral of Ulster, and a Baronet, has been appointed by Her Majesty to be Her Viceroy and Governor General of India, and has assumed the said office, the said appointment is hereby notified, and it is proclaimed that the said Right Honourable Lord Dufferin, Viceroy and Governor General of India, has this day taken his seat in His Excellency's Council.

The 17th December 1884.

No. 2040.—The Governor General in Council has been pleased to appoint Kazi Muhammad Aslam, a Probationer in the Punjab, to be a Member of the Bengal Civil Service, in accordance with the rules issued under Section 6 of the Statute 33 Vic., Cap. 3, with effect from the 27th ultimo.

The 19th December 1884.

No. 2042.—The following extract paragraph 1 from a Despatch received from Her Majesty's Secretary of State for India, No 92 (Public), dated 23rd October 1884, is published for general information:—

The undermentioned gentlemen have been appointed Members of the Bengal Civil Service in the following order and to the Provinces placed against their names:—

Mr. Edgar Francis Latimer Winter, North-West Provinces, Punjab, and Oudh.
„ Earnest Herbert Cooper Walsh, Bengal (Lower Provinces).
„ Harrington Verney Lovett, North-West Provinces, Punjab, and Oudh.
„ Michael Francis Dwyer, North-West Provinces, Punjab, and Oudh.
„ Hewling Luson, Bengal (Lower Provinces).
„ Henry Frederick House, North-West Provinces, Punjab, and Oudh.
„ Edward Thomas Ashworth, North-West Provinces, Punjab, and Oudh.
„ Reginald Henry Craddock, North-West Provinces, Punjab, and Oudh.
„ Edward Albert Gait, Bengal (Lower Provinces).
„ Herbert Watson Pike, North-West Provinces, Punjab, and Oudh.
„ George Bower, North-West Provinces, Punjab, and Oudh.
„ Albert Williams, North-West Provinces, Punjab, and Oudh.
Mr. Daniel Harold Ryan Twomey, Burma.
„ Clive Cuthbertson, Bengal (Lower Provinces).
„ Henry Ashbrooke Crump, North-West Provinces, Punjab, and Oudh.
„ Anthony William Trethewy, North-West Provinces, Punjab, and Oudh.
„ Edward Owen Every Leggatt, North-West Provinces, Punjab, and Oudh.
„ Frederick William Duke, Bengal (Lower Provinces).
„ Henry Reynel Holled Coxe, Bengal (Lower Provinces).
„ Francis Capel Harrison, Bengal (Lower Provinces).
„ James Henry Bernard, ditto ditto.
„ George Gordon, ditto ditto.
„ Francis Ward Montagu, North-West Provinces, Punjab, and Oudh.
„ Charles Brownlow Brind, North-West Provinces, Punjab, and Oudh.
„ Charles William Erskine Pittar, Bengal (Lower Provinces).

ESTABLISHMENTS.

The 17th December 1884.

No. 281.—His Excellency the Viceroy and Governor General has been pleased to appoint Mr. Donald Mackenzie Wallace to be Private Secretary to His Excellency, with effect from the 13th instant.

JUDICIAL.

The 13th December 1884.

No. 1501.—APPOINTMENT.—Colonel T. G. Clarke, Officiating Resident in Mysore and Chief Commissioner of Coorg, to act also as Judicial Commissioner of Coorg during the absence on privilege leave of Mr. J. B. Lyall, C.S.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—SURVEYS.

Calcutta, the 18th December 1884.

No. 689—72-16 *S.*—The services of Mr. T. W. H. Hughes, Assistant Superintendent of the 1st Grade, Geological Survey of India, are placed at the disposal of the Public Works Department for one year, with effect from this date.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 12th December, 1884.

No. 2400 *G.*—Mr. J. R. FitzGerald, Officiating Political Agent of the 2nd Class, and 1st Assistant to the Governor-General's Agent in Biluchistan, is granted privilege leave for three months, with effect from the 2nd January, 1885, or any subsequent date on which he may avail himself of the same.

No. 2402 *G.*—Captain I. MacIvor, Political Assistant of the 3rd Class, sub. *pro tem.*, on return from furlough, is appointed to officiate as a Political Assistant of the 1st Class, with effect from the 24th November, 1884, consequent on the deputation of Lieutenant M. J. Meade as Boundary Settlement Officer in Bhopal.

Captain I. MacIvor, Officiating Political Assistant of the 1st Class, and 3rd Assistant to the Governor-General's Agent in Central India, is posted as 1st Assistant to the Governor-General's Agent in Biluchistan, with effect from the date of assuming charge.

The 15th December, 1884.

No. 2412 *G.*—Mr. E. G. Colvin, C.S., is appointed to officiate as a Political Assistant of the 3rd Class, and is posted as an Assistant to the Governor-General's Agent in Rajputana, with effect from the date of assuming charge.

The 16th December, 1884.

No. 2427 *G.*—Surgeon C. Adams, M.B., Indian Medical Service (Madras), Civil Surgeon at Bikanir, is granted furlough to Europe for one year from date of embarkation, on medical certificate, under Chapter V, Section 50, of the Civil Leave Code.

No. 2429 *G.*—With reference to Foreign Department Notification, No. 2317 G., of the 2nd December, 1884, the recognition of the appointment by the Government of India of Mr. Clement C. Ellis as Consular Agent for the United States of America at Chittagong, has been confirmed by Her Majesty's Government.

No. 2433 *G.*—The services of Colonel G. L. Warden, Assistant to the Governor-General's Agent, and Boundary Commissioner, Baroda, are replaced at the disposal of the Government of Bombay, with effect from the 29th July, 1884.

The 18th December, 1884.

No. 2450 *G.*—Lieutenant H. W. Seymour, Bombay Staff Corps, Wing Officer and Quartermaster and Officiating Wing Commander, 16th Regiment of Bombay Native Infantry, officiated as 2nd Assistant to the Governor-General's Agent at Baroda, in addition to his own duties, from the 23rd October to the 3rd November, 1884, both days inclusive.

INTERNAL.

The 15th December, 1884.

No. 4433 *I.*—Colonel T. G. Clarke, Commissioner and District and Sessions Judge of Coorg, is appointed to be Civil and Sessions Judge of the Civil and Military Station of Bangalore as a temporary measure, with effect from the 14th November, 1884.

The 18th December, 1884.

No. 4476 *I.*—In modification of the Notification of the Government of India, in the Foreign Department, No. 115*J.*, dated the 19th July 1878, it is hereby declared that in Section 13 of Act XV of 1877 (the Indian Limitation Act), for the words "British India" the words "the Hyderabad Assigned Districts and British India" shall be read.

The 19th December, 1884.

No. 4478 *I.*—The Governor-General in Council is pleased to amend the "Bangalore Hackney Carriage Regulation, 1882," issued under Foreign Department Notification No. 1088I., dated the 27th October, 1882, as follows:—

After Section 8 of the said Regulation, the following section shall be added, namely:—

"9. If any person using a hackney carriage under this Regulation wilfully or negligently injures the same, he shall be punished with a fine which may extend to twenty rupees, and shall also pay to the owner of the hackney carriage compensation for the injury, the amount of the compensation to be fixed by the convicting Magistrate and to be recovered as a fine."

H. M. DURAND,
Officiating Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.—ACCOUNTS, &c.

Calcutta, the 19th December 1884.

No. 2280.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

November 1884. **(Lakhs of Rupees.)**

[For the explanation of these heads, *see Gazette of India*, dated 22nd December 1883, Part 1, page 497.]	In November.		To end of November.		Whole year.	
	1884-85.	1883-84.	1884-85.	1883-84.	Budget, 1884-85.	Actuals. (Preliminary) 1883-84.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation)	1,12	1,26	9,94	10,24	22,40	22,74
Opium	72	84	5,78	6,27	8,59	9,56
Salt	62	62	4,17	4,03	6,33	6,14
Stamps	29	26	2,34	2,29	3,53	3,50
Excise	31	30	2,61	2,50	3,80	3,83
Provincial Rates	22	21	1,39	1,46	2,74	2,81
Customs	6	8	57	69	1,29	1,19
Assessed Taxes	1	2	46	47	52	52
Forest (Madras and Bombay only)	2	2	16	15	38	34
Registration	2	1	19	18	26	26
Tributes from Native States	2	3	25	27	70	72
Other Civil Revenue	16	19	1,78	1,77	3,00	3,05
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS	3,57	3,84	29,64	30,32	53,54	54,66
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works	— 44	— 38	— 2,70	— 2,66	— 3,80	— 3,74
Opium	— 2	— 1	— 2,67	— 1,59	— 2,35	— 1,86
Exchange on transactions with London	— 26	— 23	— 1,71	— 2,28	— 3,72	— 3,93
Other Civil Expenditure	— 1,54	— 1,53	— 12,78	— 12,48	— 21,08	— 19,73
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS	— 2,26	— 2,15	— 19,86	— 19,01	— 30,95	— 29,26
Extraordinary Receipts	...	...	...	...	...	...
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts more,—Receipts less, than issues)	+ 5	+ 4	+ 44	+ 32	+ 47	+ 44
Forest, Telegraph, Marine (Net as above)	— 2	— 2	— 14	— 9	— 10	— 8
Guaranteed and subsidized Railways (Net as above)	+ 39	+ 41	+ 2,91	+ 3,03	+ 4,65	+ 4,75
Do. Repayment of surplus profits, &c.	— 38	— 47	— 41	— 57	— 45	— 59
Military Receipts	+ 3	+ 5	+ 39	+ 53	+ 88	+ 83
Military issues	— 97	— 1,03	— 7,82	— 7,74	— 11,88	— 11,66
Public Works Department—						
State Railways Receipts	+ 27	+ 20	+ 2,10	+ 1,49	— 2,09	+ 2,42
" " Issues	— 32	— 31	— 3,54	— 2,64		— 4,53
East Indian Railway Receipts	+ 31	+ 38	+ 2,48	+ 3,01	+ 2,45	+ 4,54
" " " Issues	— 21	— 10	— 1,01	— 1,01		— 1,62
Ordinary Branches Receipts	+ 9	+ 10	+ 1,08	+ 1,08	— 4,56	+ 1,90
" " Issues	— 47	— 51	— 4,28	— 4,50		— 7,31
TOTAL NON-CIVIL DEPARTMENTS	— 1,23	— 1,26	— 7,80	— 7,09	— 11,03	— 10,91
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more,—Receipts less, than payments)	...	...	— 2	+ 2,51	+ 2,50	+ 2,50
Mint Certificates and Bullion Advances (Net as above)	+ 18	+ 1	+ 35	+ 34	+ 3	+ 33
Council Bills paid (including Telegraphic) at ₹10 per £	— 75	— 1,1	— 7,14	— 11,21	— 16,50	— 18,84
Other Debt heads (Net as above)	+ 11	+ 7	+ 70	+ 11	+ 98	— 10
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 46	— 1,06	— 6,11	— 8,25	— 12,99	— 16,11
GRAND TOTAL RECEIPTS AND ISSUES	— 38	— 63	— 4,13	— 4,03	— 1,43	— 1,62
Opening Cash Balance in Treasuries and Presidency Banks	9,45	11,42	13,20	14,82	12,44	14,82
Closing Cash Balance in Treasuries and Presidency Banks	9,07	10,79	9,07	10,79	11,01	13,20

LEAVE AND APPOINTMENTS.

The 19th December 1884.

No. 2202.

The following grade reversions and promotion of officers of the Financial Department are notified :—

With effect from the 28th September 1884, in consequence of the return from privilege leave of Mr. A. C. Tupp.

Mr. H. C. Clogstoun, to revert to his substantive appointment of Accountant General, Class III.

Mr. J. E. Cooke, to revert to his substantive appointment of Enrolled Officer, Class II.

Mr. W. Donald, to revert to his substantive appointment of Enrolled Officer, Class III.

Mr. J. Taylor, to revert to his substantive appointment of Enrolled Officer, Class IV.

Mr. C. E. Crawley, to revert to his substantive appointment of Enrolled Officer, Class V.

Mr. C. G. Vansittart, to revert to his substantive appointment of Enrolled Officer, Class VI.

With effect from 7th October 1884, in consequence of the departure on furlough of Mr. C. E. Crawley.

Mr. C. G. Vansittart, to officiate as Enrolled Officer, Class V.

With effect from the 30th October 1884, in consequence of the return from furlough of Mr. C. J. Rivett-Carnac.

Mr. F. J. Atkinson, to revert to his substantive appointment of Enrolled Officer, Class V.

Mr. C. G. Vansittart, to revert to his substantive appointment of Enrolled Officer, Class VI.

With effect from 15th November 1884, in consequence of the return from furlough of Mr. E. M Palmer and his assumption of the duties of Assistant Accountant General and Examiner of Local Accounts, Bengal.

Mr. E. M. Palmer, to be Enrolled Officer, Class III.

Mr. Larpent, to revert from Enrolled Officer, Class III, and to be Enrolled Officer, Class IV.

Mr. H. S. Groves, to revert to his substantive appointment of Enrolled Officer, Class V.

Mr. A. H. Anthony, to revert to his substantive appointment of Enrolled Officer, Class VI.

With effect from the 19th November 1884, in consequence of the departure on privilege leave of Mr. F. deH. Larpent.

Mr. H. S. Groves, to officiate as Enrolled Officer, Class IV.

Mr. C. G. Vansittart, to officiate as Enrolled Officer, Class V.

With effect from the 15th November 1884, in consequence of the departure on furlough of Mr. H. J. Brereton.

Mr. A. H. Anthony, to officiate as Enrolled Officer, Class V.

With effect from the 20th November 1884, in consequence of the departure on privilege leave of Mr. J. E. O'Conor.

Mr. W. Donald, to officiate as Enrolled Officer, Class II.

Mr. J. Taylor, to officiate as Enrolled Officer, Class III.

Mr. F. J. Atkinson, to officiate as Enrolled Officer, Class IV.

Mr. R. C. Chapman, to officiate as Enrolled Officer, Class V.

With effect from the 10th December 1884, in consequence of the assumption of charge of the duties of Assistant Accountant General and Examiner of Local Accounts, Bengal, by Mr. W. H. Dobbie from Mr. E. M. Palmer.

Mr. E. M. Palmer to revert from the appointment of Enrolled Officer, Class III, and to be Enrolled Officer, Class IV.

Mr. W. H. Dobbie, to be Enrolled Officer, Class III.

The 18th December 1884.

The following addenda and corrigenda to the Codes of the Financial Department are published for general information :—

No. 2201.

CIVIL PENSION CODE.

Page 44.

Section 94.

Rule 1.

Insert the following in the proper place in the list under this rule :—

"Indo-European Telegraph Department.—The European Splicer, and the three Tindals drawing R35, 30, and 25 a month, respectively, in the Cable Branch of the Subordinate Establishment of the—."

No. 2203.

PAY AND ACTING ALLOWANCE CODE.

Page 269.

Section 5 (ii).

Add the following to note (2) under this Section :—

"But Section 5 does not affect the right to any Local Allowance."

Page 287.

Section 41.

Rule 2.

For the words "an allowance" in lines 6 and 7 of this rule substitute "a Local Allowance."

No. 2208.

CIVIL LEAVE CODE.

Page 168.

Section 71.

Add the following exception to this Section :—

"Exception.—Officers stationed in the Andamans and Nicobars are allowed, on each occasion when they may wish to take privilege leave, the option between the following two courses, namely—

(*a*) To accumulate privilege leave up to three months and fifteen days.

(*b*) To overstay any privilege leave due by fifteen days without forfeiting pay or appointment, provided that, in the case of such overstay, the officer shall not begin to count service towards future privilege leave until he shall have served a period of time proportionate to the amount of overstay, that is eleven times the period of overstay."

Page 216.

Section 165.

Add the following note to this Section :—

["NOTE.—Eut see the Exception under Section 71."]

No. 2242.

CIVIL PENSION CODE.

Page 31.

Section 66.

After the word "Coopers Hill" in line 4 of the note under this Section add "or a Forest Officer."

The 19th December 1884.

No. 2206.

CIVIL PENSION CODE.

Page 100.

Section 181.

Add the following to note (2) under this section :—

"But the failure of such authority to do this will not be admitted as a ground for allowing the refund at a later date."

No. 2290.

CIVIL LEAVE CODE.

Page 163.

Section 55.

Rule 4.

Strike out this rule and its foot-note.

SEPARATE REVENUE.
COMMERCE AND TRADE.
MERCHANT SHIPPING.

The 18th December 1884.

No. 2181.—The following Order in Council providing for the recognition in the United Kingdom of the certificates of survey to be issued by the Government of Bengal to passenger steamers at Calcutta, is published for general information :—

AT THE COURT AT BALMORAL,

The 17th day of October 1884.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by the Merchant Shipping Act, 1876, it is enacted that, when the Legislature of any British Possession provides for the survey of and grant of Certificates for passenger steamers, and the Board of Trade report to Her Majesty that they are satisfied that the Certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the Certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, it shall be lawful for Her Majesty by Order in Council ;

1. To declare that the said Certificates shall be of the same force as if they had been granted under the said Acts ; and

2. To declare that all or any of the provisions of the said Acts which relate to Certificates

granted for passenger steamers under those Acts shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the Certificates referred to in the order; and

3. To impose such conditions and to make such regulations with respect to the said Certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

And whereas the Legislature of the British Possession of Bengal has provided for the survey of and grant of Certificates for passenger steamers.

And whereas the Board of Trade have reported to Her Majesty that they were satisfied that such Certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the Certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping.

Now, therefore, Her Majesty, in virtue of the powers vested in Her by the said recited Act, by and with the advice of Her Privy Council, is pleased to direct—

1. That the Certificates granted under the said provision by the Legislature of the British Possession of Bengal for passenger steamers shall be of the same force as if they had been granted for the same purpose in the United Kingdom under the said Acts relating to Merchant Shipping.
2. That all the provisions of the said Acts which relate to certificates granted for passenger steamers under those Acts shall, without modification, except as herein-after mentioned, apply to the Certificates referred to in this Order.
3. That it shall not be lawful for a passenger steamer to which this Order relates to proceed to sea with passengers on board from any port or place in the United Kingdom on any voyage to any port in Canada or the United States of America.
4. That if any such passenger steamer goes to sea from any place in the United Kingdom with any passengers on board upon any voyage to any port in Canada or the United States of America, the owner thereof shall for every such offence incur a penalty not exceeding fifty pounds, and such penalty is hereby imposed accordingly.

C. L. PEEL.

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

MILITARY DEPARTMENT.

Fort William, the 19th December, 1884.

APPOINTMENTS.

No. 671.—STAFF CORPS—

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

Lieutenant Wallace Christopher Ramsay Stratton, R.A., Officiating Wing Officer, Meywar Bheel Corps,—7th August, 1883.

No. 672.—PERSONAL STAFF—

The Viceroy and Governor General has been pleased to make the following appointments on His Excellency's personal staff, with effect from the 13th December, 1884.

To be Military Secretary.

Captain Lord W. L. De la P. Beresford, V.C., 9th Lancers.

To be Aides-de-Camp.

Major H. Cooper, Loyal North Lancashire Regiment.

Lieutenant the Hon'ble C. Harbord, Scots Guards.

Lieutenant Lord Herbrand A. Russell, Grenadier Guards.

Lieutenant A. G. Balfour, Highland Light Infantry.

Subadar Major Nutha Sing, Sirdar Bahadoor, 23rd Bengal Infantry, Pioneers.

Subadar Major Bulbhudder Naigee, Bahadur, 5th Goorkha Regiment.

To be Honorary Aides-de-Camp.

Lieutenant-Colonel A. J. Hadfield, Madras Invalid Establishment.

Colonel B. Walton, C.I.E., Bengal S. C.

Colonel T. E. Gordon, C.B., C.S.I., Bengal S. C.

Colonel G. F. Graham, Bengal S. C. (Commandant Presidency Volunteers) *ex officio.*

Lieutenant-Colonel D. W. Campbell, C.I.E., E. I. R. Volunteer Rifle Corps.

Colonel A. R. D. Mackenzie, Bengal Cavalry.

Colonel R. C. Stewart, Madras Cavalry.

Colonel T. R. Nimmo, Bombay S. C.

To be Honorary Surgeons.

Surgeon-General W. R. Cornish, C.I.E., Indian Medical Service, Madras Establishment.

Deputy Surgeon-General A. J. Payne, M.D., Indian Medical Service, Bengal Establishment.

Deputy Surgeon-General W. J. Moore, C.I.E., Indian Medical Service, Bombay Establishment.

Brigade Surgeon G. Farrell, Indian Medical Service, Bengal Establishment.

Surgeon-Major G. C. Chesnaye, Indian Medical Service, Bengal Establishment.

Brigade Surgeon E. H. Roberts, Army Medical Department.

Surgeon-Major R. Harvey, M.B., Indian Medical Service, Bengal Establishment.

Surgeon-Major J. Hector, M.B., Army Medical Department.

Surgeon-Major S. E. Maunsell, Army Medical Department.

No. 673.—The following appointment has been made on the personal staff of Major-General M. A. Dillon, C.B., C.S.I., Commanding the Oudh Division:—

Major C. H. B. Norcott, Rifle Brigade, to be Aide-de-Camp. Dated 29th November, 1884.

No. 674.—ORDNANCE DEPARTMENT—

Lieutenant A. L. M. Turner, R.A., to be Commissary of Ordnance, 4th class, with effect from the 14th November, 1884.

No. 675.—MILITARY ACCOUNTS DEPARTMENT—

Surgeon-Major W. S. Fox, Madras Medical Service, to be Examiner of Medical and Fund Accounts, Madras, *vice* Surgeon-Major W. Macrae, M.B., whose services have been replaced at the disposal of the Government of Madras.

No. 676.—PUNJAB FRONTIER FORCE—

3rd Sikh Infantry.

Lieutenant W. Cook, Wing Officer and Quartermaster, to be Adjutant, *vice* Captain E. J. N. Fasken, who vacates on promotion;

Lieutenant W. D. Gordon, Wing Officer, to be Quartermaster, *vice* Lieutenant Cook.

6th Punjab Infantry.

Lieutenant E. W. Cunliffe, Wing Officer and Quartermaster, to be Adjutant, *vice* Captain H. B. Urmston, who vacates on promotion;

Lieutenant G. R. MacMullen, Wing Officer, to be Quartermaster, *vice* Lieutenant Cunliffe.

No. 677.—HYDERABAD CONTINGENT—

1st Cavalry.

Lieutenant F. Oswald, Squadron Officer and Officiating Adjutant, to be Squadron Officer and Adjutant, *vice* Captain G. Adye, who vacates on promotion.

No. 678.—VOLUNTEER CORPS—

Nagpore Volunteer Rifle Corps.

Lieutenant Sir R. A. W. Colleton, Bart., Royal Welsh Fusiliers, to be Adjutant.

FURLOUGH AND LEAVE.

No. 679.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Major R. F. Lowis, R.A., Inspector General of Ordnance, Bengal Circle, (p. a.) for one year and 13 days, under rule IX of the regulations of 1868.

Sub-Conductor J. Shaw, Sub-Engineer, 3rd grade, Military Works Department, (m. c.) for one year, under rule VI of the regulations of 1875.

Sub-Conductor W. Anderson, Office of the Adjutant General in India, (m. c.) for one year, under rule VI of the regulations of 1875.

No. 680.—In G. G. O. No. 648 of 1884, for "12th October, 1883," read 12th October, *1884.*

No. 681.—Major-General J. L. Nation, C.B., Bengal S. C., is permitted to reside in Europe.

PROMOTIONS.

No. 682.—NATIVE ARMY—

29th Bengal Infantry.

Subadar Bhugwan Sing to be Subadar Major, *vice* Subadar Major Gujja Sing, Bahadur, invalided,—1st October, 1884.

REWARDS.

No. 683.—ORDER OF BRITISH INDIA—

The Governor General in Council is pleased to admit the undermentioned Native Officers to the 1st and 2nd classes of the Order of British India from the 9th September, 1884:—

BOMBAY.

To the 1st Class, with the title of Sirdar Bahadur.

Subadar Major Ittoo Bagweh, Bahadur, 4th Native Infantry, *vice* pensioned Ressaldar Ahmed Ali Khan, Sirdar Bahadur, deceased.

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

Subadar Major Govind Gaicowar, Sappers and Miners, *vice* Subadar Major Ittoo Bagweh, Bahadur, promoted.

VOLUNTEER CORPS.

No. 684.— It is notified that the Lakhimpore Volunteer Rifle Corps and the Sibsagar Mounted Rifles will, for administrative purposes, form together the "Assam Valley Administrative Battalion."

APPOINTMENT.

Assam Valley Administrative Battalion.

No. 685.—Captain F. C. N. Goldney, Bengal S. C., Wing Officer, 43rd Bengal Infantry, to be Adjutant, with effect from the 1st January, 1885.

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

No. 686.—*To be Assistant Engineers, 1st grade:*

Deputy Assistant Commissary and Honorary Lieutenant J. H. Quilter, Sub-Engineer, 1st grade,—14th June, 1883.

Deputy Assistant Commissary and Honorary Lieutenant R. Chalmers, Sub-Engineer, 1st grade,—17th May, 1884.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 17th December 1884.

No. 300.—The Governor General in Council is pleased to order the following promotions to and in the classes of Superintending Engineers, with effect from the dates specified :—

NAMES.	From	To	Date.	Nature of promotion.
Wickes, T. H. . .	Supdg. Engr., Class III, special.	Supdg. Engr., Class II .	10th Oct. 1884 .	Temporary.
Vertannes, J. C. .	Supdg. Engr., Class II .	Supdg. Engr., Class I . .	16th ditto .	Ditto.
Cumming, Major W. G., R.E.	Supdg. Engr., Class III, special.	Supdg. Engr, Class II .	16th ditto .	Ditto.
Dibblee, F. L. . .	Exe. Engr., Grade I . .	Supdg. Engr., Class III .	16th ditto .	Ditto.
White, H. F. . .	Exe. Engr., Grade I . .	Supdg. Engr., Class III .	1st Dec. 1884 .	Ditto.

No. 301.—Mr. W. B. Carter, Executive Engineer, 1st Grade, State Railways, has been granted by Her Majesty's Secretary of State for India leave for six months on medical certificate, in further extension of the leave granted in Public Works Department Notification No. 142 of 20th June 1884.

The 18th December 1884.

No. 302.—The following is published for general information :—

No. 1442 G., dated 13th December 1884.

RESOLUTION—By the Government of India, Public Works Department.

Reorganisation of the Engineer Establishment of the Public Works Department.

Read again—

Despatch to the Secretary of State, No. 15, dated 21st April 1884.

Read also—

Despatch from the Secretary of State, No. 71, dated 13th November 1884.

RESOLUTION.—In accordance with the decision of the Secretary of State, the Governor General in Council directs the publication of the following orders regarding the Engineer Establishment of the Public Works Department :—

I. (*a*) The number of Executive and Assistant Engineers on any list, taken together, will be divided equally between the two classes, an addition of one to the number of Executive Engineers being made for a fraction.

(*b*) The number of Executive Engineers in the 1st, 2nd, 3rd, and 4th grades will be in the proportion of 8, 9, 10, and 12 respectively.

(*c*) Half the number of Assistant Engineers will be in the 1st grade, an addition of one being made for a fraction.

(*d*) The numbers in the three higher grades of Executive Engineers, and in the 1st grade of Assistant Engineers, as determined by (*b*) and (*c*), will be increased so as to allow of the permanent promotion of a number of officers from the junior grades of those classes, corresponding to the normal number of officers on furlough, as ordered in Public Works Department Resolution No. 1174G., dated 4th June 1880.

II. (*a*) The pay of the following grades will in future be—

Executive Engineer, 3rd grade, ₹700 a month.
" " 4th " " 600 "
Assistant Engineer, 1st " " 500 "

(*b*) Assistant Engineers, 2nd grade, will receive ₹400 a month instead of ₹350, after 3 years' service in the grade.

(*c*) In the cases of officers of Royal Engineers, who draw staff salary in addition to military pay and allowances, the increases under (*a*) and (*b*) will take the form of an addition of ₹50 a month to staff salary, and to the maximum pay of their grade.

(*d*) The increase of ₹50 a month to the salaries of Assistant Engineers, 2nd grade, after 3 years' service in their grade, will be given on specific recommendations on account of satisfactory service, and cannot be claimed as a right. The increase may be sanctioned by Local Governments and Administrations.

III. Certain Civil Engineers with English training, appointed in India, will be allowed the same privileges under the pension rules, in all respects, as officers included in Schedule B, I, II and III (1) of the Civil Pension Code. A nominal roll of these officers will be added to the Civil Pension Code hereafter.

IV. In regard to Civil Engineers, appointed in India from the Civil Engineering Colleges or otherwise, and not included under III, who may rise to the rank of Superintending Engineer, the Government of India will be prepared to consider favorably their admission to the pension rules applicable to those included in Schedule B, I, II and III (1). This rule is subject to any general restriction that may hereafter be prescribed as to the amount of pension payable to public servants who are natives of India.

V. Civil Engineers who were appointed to the Department as Assistant Engineers, 1st grade after they had left other employment in India, will be allowed, on account of previous experience, to add to their pensionable service a period not exceeding 3 years, provided such previous experience was not acquired before the age of 25.

VI. These rules will come into force on 1st January 1885.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh and the Punjab, in the Public Works Department.
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Biluchistan.
The Accountant General, Public Works Department.
The Inspector General of Military Works.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore, and Lucknow.
The Superintendent of Works, Simla Imperial Circle.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments, Administrations, and Officers noted in the margin, and that it be published in the *Gazette of India*, and in all local official Gazettes.

The 19th December 1884.

No. 303.—Major J. W. Ottley, R.E., Executive Engineer, 1st Grade, Punjab, on return from furlough, resumes the rank of Superintending Engineer, 3rd Class, temporary, with effect from 26th November 1884.

No. 304.—Major J. W. Ottley, R.E., Superintending Engineer, 3rd Class, temporary, Punjab, is promoted to Superintending Engineer, 3rd Class, special, with effect from 15th December 1884.

This cancels Public Works Department Notification No. 291, dated 9th December 1884.

No. 305.—Mr. Walter Giles, Assistant Engineer, 2nd Grade, appointed by the Secretary of State for India in Council from the Royal Indian Engineering College, having gone through his practical training in England, is posted to State Railways, and his services placed at the disposal of the Director General of Railways.

No. 306.—Mr. S. P. H. Dyson, Assistant Engineer, 2nd Grade, North-Western Provinces and Oudh, is transferred to State Railways, and his services placed at the disposal of the Director General of Railways.

No. 307.—Mr. C. Fouracres, candidate, Superior Revenue Establishment of State Railways, Locomotive Department, is transferred temporarily, from the 24th August to 31st December 1884, from the establishment under the Government of Bengal to that under the Director General of Railways.

No. 309.—Mr. J. H. Handley, Assistant Engineer, 1st Grade, Hyderabad, is transferred temporarily to State Railways, and his services placed at the disposal of the Director General of Railways.

No. 310.—Mr. C. F. McLeod, Assistant Engineer, 3rd Grade, British Burma, is promoted to Assistant Engineer, 2nd Grade, with effect from 16th July 1884.

No. 311.—The following is published for general information :—

No. 1413G., dated 13th December 1884.

RESOLUTION—By the Government of India, Public Works Department.

Engineer Appointments guaranteed to Indian Civil Engineering Colleges.

Read again—

Despatch from the Secretary of State, No. 32, dated 4th August 1881.
" to " " " 38, " 8th July 1882.
" from " " " 52, " 28th September 1882.
Public Works Department Resolution, Nos. 1516—28G., dated 11th November 1882.
" " " 241—51G., " 14th February 1883.
Despatch to the Secretary of State, No. 36, dated 28th July 1883.
" from " " " 74, " 20th December 1883.
" to " " " 14, " 21st April 1884.
" from " " " 38, " 24th July 1884.
" to " " " 45, " 29th August 1884.

Read also—

Despatch from the Secretary of State, No. 67, dated 30th October 1884.

RESOLUTION.—The rules regulating the admission of students to the Indian Engineering Colleges, and the manner in which appointments in the Engineering Branch of the Public Works Department may be obtained by students of these Colleges, are contained in the Resolutions of the Government of India in the Public Works Department of 11th November 1882 and 14th February 1883. These Resolutions modified the previously existing rules in several respects, and notably in giving to students of pure Indian descent a preference over all other students for guaranteed appointments in the Public Works Department. As long ago as 1876 it had been remarked by the Secretary of State that very few persons of pure Indian origin succeeded in obtaining appointments in the public service through the Engineering Class of the Thomason College, and between that time and the year 1882 he had repeatedly urged on the Government of India the advisability of giving to pure natives a preferential claim to such appointments. The Government of India, while recognising the desirableness of attracting natives of India to the Engineer Department, hesitated to give an exclusive preference to one

class of natives of India as defined by Statute, and the discussions on this point ranged over a considerable period. Ultimately the Governor General in Council acquiesced in the proposals of the Secretary of State, being influenced mainly by the consideration that, owing to reductions in the Public Works Department, the number of appointments available for pupils of the Indian Colleges had become so small that in no other way could the object in view be attained. The number of appointments guaranteed to the four Indian Colleges was no more than six for the year 1885 and seven for 1886, and under these circumstances almost the only way of facilitating the candidature of pure natives seemed to be to give them a preference over other students. Shortly after the issue of the Resolutions in question, memorials were received from various Associations of domiciled Europeans and Eurasians in India, remonstrating against the disadvantage at which persons of their class were placed by the new rules. These memorials were forwarded to the Secretary of State with the Despatch from the Government of India of 28th July 1883, in which the Governor General in Council remarked that although, looking to the small number of appointments involved, the memorialists appeared to exaggerate somewhat the practical effect of the rules upon their interests, he could not but think that "they had a certain solid foundation for their dissatisfaction, and that their representations deserved attention." The Governor General in Council accordingly recommended that arrangements should be made in regard to the recruiting of the Public Works Department which would have the effect of increasing the number of appointments available for the Indian Colleges to eleven, and that with this extension of the field of employment the area of competition might again be widened so as to include all persons coming under the statutory definition of natives of India. Considerable correspondence has since taken place upon various points of detail in this scheme, and the Secretary of State has now decided that the annual recruitment from the Indian Colleges shall be fixed at nine. Although somewhat smaller than what they had recommended, the Government of India believe that this increase in the number of appointments, taken in connection with the changes made in other respects in the rules of admission to the College, renders it unnecessary to maintain a preference in favour of students of pure Indian descent, and that the object with which that preference was given may now be sufficiently attained without it. In future, therefore, all students coming under the statutory definition of natives of India will be eligible to compete for the guaranteed appointments in the Public Works Department.

The appointments will, for the present, be alloted as follows:—

To Thomason College, Rurki	4 and 5 alternately.
Seebpore "	2 and 1 "
Madras Civil Engineering College	1
Poona College of Science	2

ORDER.—Ordered, that this Resolution be communicated to the Local Governments and Administrations noted in the margin; also that it be published in the *Gazette of India* and in all local official Gazettes.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab, in the Public Works Department.
The Chief Commissioners of the Central Provinces, British Burma, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Beluchistan.
The Director General of Railways.

No. 312.—The Secretary of State having sanctioned the construction of a line of railway between Sitarampore Station, East Indian Railway, and Nandgan Station, Nagpur-Chhattisgarh Railway, His Excellency the Governor General in Council is pleased to place the work under the Director General of Railways, and to nominate Mr. A. C. Cregeen, Superintending Engineer, 1st grade, sub. *pro. tem*, as the Engineer-in-Chief of the project.

The project will be called the Nagpur-Bengal State Railway. The location of the permanent head-quarters of the line will be notified hereafter.

No. 313.—The undermentioned officers of the Railway Branch are transferred from the Establishment under the Government of Madras to that under the Director General of Railways:—

Mr. A. C. Cregeen, Superintending Engineer, 1st Grade, sub. *pro tem.*

Mr. W. B. Taylor, Executive Engineer, 2nd Grade.

Mr. E. H. Stone, Executive Engineer, 3rd Grade.

Mr. E. Baker, Assistant Engineer, 1st Grade.

Mr. E. F. Gordon, ditto ditto.

Mr. A. T. Chiodetti, ditto 3rd Grade.

TELEGRAPH.

The 19th December 1884.

No. 308.—The Governor General in Council is pleased to make the following officiating promotions in the Indian Telegraph Department, from the dates and for the periods specified:—

NAMES.	From	To	
W. N. Toulmin . .	Supdt., 3rd Grade . .	Supdt., 2nd Grade . .	22nd Sept. to 18th Nov. 1884, inclusive.
F. G. Maclean . .	Do. 4th do. . .	Do. 3rd do. . .	22nd Sept. to 26th Nov. 1884, inclusive.
C. P. Landon . .	Do. 4th do. . .	Do. 3rd do. . .	1st Oct. to 13th Nov. 1884, inclusive.
W. B. Melville . .	Asst. Supdt., 1st Grade .	Do. 4th do. . .	22nd Sept. to 8th Nov. 1884, inclusive.

W. S. TREVOR, *Colonel, R.E.*,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 52. } CALCUTTA, SATURDAY, DECEMBER 27, 1884.

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

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PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor General's Council assented to by the Governor General:—
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PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22:—
A Bill to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend the Excise Act, 1881, and the Bengal Excise Act, 1878.
The Indian Sea Passengers Bill, 1884.

SUPPLEMENT No. 52.

PART I.

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

HOME DEPARTMENT.

NOTIFICATIONS.—MEDICAL.

Calcutta, the 24th December 1884.

No. 600.—His Excellency the Viceroy and Governor General has been pleased to appoint Surgeon A. W. D. Leahy, Indian Medical Service, to be Surgeon on His Excellency's Personal Staff, as a temporary measure, with effect from the 13th December 1884.

ECCLESIASTICAL.

The 20th December 1884.

No. 194.—The services of the Reverend J. O'F. Willcocks, M.A., Chaplain of Kamptee, are placed at the disposal of the Government of Bengal, with effect from the 1st January 1885.

PATENTS.

The 22nd December 1884.

No. 1260.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

No. 32 of 1884.—William Phillips, of the Pension (Military) Establishment, and resident of Faizabad, in the Province of Oudh. Amended specification of his invention for an improved method for cooling dwellings in India, and which is applicable for passenger ships and for camp use for a like purpose, and is called "Phillips' Refrigeranteur."

No. 43 of 1884.—Peter Smith Swan, of Calcutta, in the Empire of India, Jute Manufacturer, for an improved pack or bag for holding and conveying wool.

No. 89 of 1884.—Ellis Carr, of Drummond Road, Bermondsey, in the county of Surrey, England, Biscuit Manufacturer, for an improved mode of closing tin vessels for packing biscuits, and other perishable goods.

No. 120 of 1884.—George Summerton, of the City and County of San Francisco, in the State of California and United States of America, Miller, for improvements in self-adjusting mill-stone irons.

No. 124 of 1884.—Edward Clinton Burgess, of Islington, in the County of Middlesex, England, for apparatus for combustion of liquid hydrocarbons.

No. 141 of 1884.—Otto Schwade, of Poozoondoung, in the Town of Rangoon, Mechanical Engineer, for a furnace for burning husk.

No. 157 of 1884.—Surgeon-Major Geoffry C. Hall, Indian Medical Service, Eye Hospital, Allahabad, for "The Micro Spectacles."

No. 160 of 1884.—Alfred David Turner, of London, England, Engineer, for improvements in lamps for burning gasoline albocarbon, paraffin, or other liquids.

No. 164 of 1884.—John Alexander McDonald, of Sydney, in the Colony of New South Wales, Civil Engineer, for improvements in bearing rollers for bridges and other structures.

No. 165 of 1884.—Georges Gauthier, Filateur, Calcutta, for reeling Indian tussah and other cocoons.

No. 176 of 1884.—Hasum Virzi Patel, of Bombay, Khoja Muhammadan Inhabitant, residing at old Nagpada, for a design for a portable bungalow without masonry foundation.

A. MACKENZIE,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 25th December, 1884.

No. 2502*G*.—The following reversions will take place on the graded list of the Political Department:—

Consequent on the reversion of Colonel J. C. Berkeley to his substantive grade of Political Agent of the 1st class, with effect from the 12th December, 1884—

Colonel W. Kincaid, from Officiating Political Agent of the 1st class, to his substantive grade of Political Agent of the 2nd class.

Mr. J. R FitzGerald, from Officiating Political Agent of the 2nd class, to his substantive grade of Political Agent of the 3rd class.

INTERNAL.

The 24th December, 1884.

No. 4539 *I*.—Under Section 9 of the Cantonments Act, 1880, as extended to the Cantonment of Mhow in Foreign Department Notification, No. 32 I. J., dated the 27th January, 1881, the Governor-General in Council is pleased to vest the administration of the Police in the Cantonment of Mhow in the officer holding for the time being the appointment of Cantonment Magistrate at Mhow, subject to the general control and direction of the Commanding Officer of the Cantonment.

No. 4541*I*.—Under Section 9 of the Cantonments Act, 1880, as extended to the Cantonment of Nowgong in Foreign Department Notification, No. 34 I. J., dated the 27th January, 1881, the Governor-General in Council is pleased to vest the administration of the Police in the Cantonment of Nowgong in the officer holding for the time being the appointment of Cantonment Magistrate at Nowgong, subject to the general control and direction of the Commanding Officer of the Cantonment.

No. 4543 *I*.—Under Section 9 of the Cantonments Act, 1880, as extended to the Cantonment of Neemuch in Foreign Department Notification, No. 35 I. J., dated the 27th January, 1881, the Governor-General in Council is pleased to vest the administration of the Police in the Cantonment of Neemuch in the officer holding for the time being the appointment of Cantonment Magistrate at Neemuch, subject to the general control and direction of the Commanding Officer of the Cantonment.

H. M. DURAND,
Officiating Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.—LEAVE AND APPOINTMENTS.

Calcutta, the 24th December 1884.

No. 2310.—ERRATUM.—In line 37 of the Notification by the Government of India, in the Department of Finance and Commerce, No. 2292, dated the 19th December 1884, published at page 474 of Part I of the *Gazette of India* of the 20th idem, for "19th November" read "15th November," and in line 43, for "15th November" read "19th November."

No. 2360.—Mr. S. Jacob, Enrolled Officer in Class II of the Financial Department, having returned from furlough, and having been posted as Deputy Auditor General, during the temporary absence on deputation of Mr. C. R. Kiernander, received charge of the said appointment, before noon, on the 18th December 1884.

The 26th December 1884.

No. 2406.—Mr. T. H. S. Biddulph having been appointed Comptroller, Hyderabad, received charge of the said appointment from Mr. F. J. Atkinson, after noon, on the 15th December 1884.

SEPARATE REVENUE.

STAMPS.

JUDICIAL, &c.

EXEMPTIONS, &c.

The 24th December 1884.

No. 2353.—In exercise of the powers conferred by Section 35 of the Court Fees Act, 1870, the Governor General in Council is pleased to remit the Court Fees payable under that Act on copies of orders or proceedings of Settlement Officers, under Section 19 of the Punjab Land Revenue Act, 1871, when such copies are furnished for the purpose of being filed with applications or petitions of the nature referred to in Clause IX of Section 19 of the Court Fees Act, 1870.

This Notification shall not be deemed to exempt copies furnished thereunder from the payment of the fees chargeable on such copies when filed, exhibited or recorded otherwise than with the applications above referred to.

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL.

EXEMPTIONS, &c.

The 26th December 1884.

No. 2380.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to reduce to one anna the stamp duty payable under Article 50(b) of Schedule I of the said Act, on a proxy executed by a female empowering any person to vote at any one election of Municipal Commissioners held under the provisions of Bombay Act II of 1884 (the Bombay District Municipal Act Amendment Act, 1884.)

SEPARATE REVENUE.

COMMERCE AND TRADE.

MERCHANT SHIPPING.

The 26th December 1884.

No. 2315.—In exercise of the powers conferred by Section 46 of the Native Passenger Ships Act, 1876, as amended by the Native Passenger Ships Act, 1883, His Excellency the Governor General in Council is pleased to make the following rule to be substituted for Rule 21 of the rules published under Notification No. 986, dated the 15th February 1884:—

"Rule 21.—No passenger ship shall clear out or proceed to sea without such provision for affording light and air to the passenger decks as the circumstances of the case may, in the judgment of the Inspecting Officer at the port of clearance, require; nor, if there are as many as one hundred passengers on board, without having an adequate and proper ventilating apparatus to be approved by such Inspecting Officer and fitted to his satisfaction; the passengers shall, moreover, have the free and unimpeded use of the whole of each hatchway situated over the space appropriated to their use, and over each such hatchway there shall be erected such a booby-hutch or other substantial covering as shall, in the opinion of such Inspecting Officer, afford the greatest amount of light and air, and of protection from wet as the case will admit."

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

MILITARY DEPARTMENT.

Fort William, the 26th December, 1884.

APPOINTMENTS.

No. 687.—ADJUTANT GENERAL'S DEPARTMENT—

Colonel H. A. Bushman, C.B., 9th Lancers, to be an Assistant Adjutant General on the establishment, *vice* Lieutenant-Colonel B. A. Combe, whose tenure of service in that appointment has expired. Dated 15th December, 1884.

No. 688.—ORDNANCE DEPARTMENT—

Lieutenant-Colonel A. Walker, R. A., Superintendent, Small Arms Ammunition Factory, Kirkee, to officiate as Inspector General of Ordnance, Bengal Circle, *vice* Major R. F. Lowis, R.A., proceeding on furlough.

Captain J. L. Fixott, R.A., Assistant Superintendent, Small Arms Ammunition Factory, Kirkee, to officiate as Superintendent, *vice* Lieutenant-Colonel Walker.

Captain A. H. Browne, R.A., Commissary of Ordnance, 2nd class, to be Assistant to the Inspector-General of Ordnance, Bengal Circle, *vice* Major A. F. Fletcher, R.A., transferred in the same capacity to the Bombay Circle, with effect from the 28th December, 1884.

Captain T. T. Vaughan, R.A., Commissary of Ordnance, 3rd class, to be Commissary of Ordnance, 2nd class, *vice* Captain Browne, seconded, with effect from the 28th December, 1884.

No. 689.—PUNJAB FRONTIER FORCE—

No. 1 Mountain Battery.

Lieutenant H. B. Brownlow, R.A., 2nd Subaltern, to be 1st Subaltern, *vice* Lieutenant W. J. Honner, appointed Commandant, No. 5 Garrison Battery.

No. 3 Mountain Battery.

Captain R. A. C. King, R.A., Commandant, No. 5 Garrison Battery, and Officiating Commandant, to be Commandant, *vice* Major W. Aitken, who has vacated that appointment on promotion.

No. 5 Garrison Battery.

Lieutenant W. J. Honner, R.A., 1st Subaltern, No. 1 Mountain Battery, to be Commandant, *vice* Captain King.

FURLOUGH AND LEAVE.

No. 690.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel G. Young, Bengal S. C., Wing Commander and 2nd-in-Command, 1st Goorkha Regiment, (p. a.) for 243 days, under rule IX of the regulations of 1868.

Major T. T. Carter, R.E., Deputy Superintendent, 2nd grade, Survey of India, (m. c.) for one year, under rule XIV, clause 2, of the regulations of 1868.

Captain H. G Kunhardt, R.E., Executive Engineer, 3rd grade, Public Works Department, Bengal, (p. a.) for two years, under rule IX of the regulations of 1868.

Lieutenant W. D. Gordon, Bengal S. C., Wing Officer, 3rd Sikh Infantry, (m. c.) for one year, under rule I of the regulations of 1875.

No. 691.—Second grade Apothecary S. Saxon has been granted an extension of furlough (m. c.) by the Secretary of State for India, for six months.

PENSIONS.

No. 692.—Conductor William Shortridge, Ordnance Department, is transferred to the pension establishment.

PROMOTIONS.

No. 693.—The following promotions are made subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Captains.

Lieutenant Algernon George Arnold Durand,—21st December, 1884.

BENGAL CAVALRY.

To be Lieutenant-Colonel.

Major and Brevet Lieutenant-Colonel George Thomas Halliday,—20th December, 1884.

To be Colonels.

Lieutenant-Colonel Edmund Faunce, Madras S. C.,—20th December, 1884.

Lieutenant-Colonel Charles William Campbell, Bengal S. C.,—20th December, 1884.

Lieutenant-Colonel George Ritson Goodfellow, Bombay S. C.,—23rd December, 1884.

BREVET.

To be Colonel.

Lieutenant-Colonel Thomas Francis Cosby Rochfort, Bengal Cavalry,—21st December, 1884.

No. 694.—PUNJAB FRONTIER FORCE—

2nd Punjab Infantry.

Havildar Akbar Khan to be Jemadar, *vice* Jemadar Chet Singh, deceased,—16th November, 1884.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 20th December 1884.

No. 314.—Major W. S. S. Bisset, R.E., Manager, Rajputana-Malwa Railway, is on return from furlough, placed on special duty in connection with the transfer of the Rajputana-Malwa Railway from under the control of the Director General of Railways to that of the Government of Bombay, from the 8th to 31st December 1884.

No. 315.—Mr. C. F. Gilbert, Assistant Engineer, 1st Grade, Rajputana, is transferred temporarily to State Railways, and his services placed at disposal of the Director General of Railways.

The 26th December 1884.

No. 316.—The following is published for general information :—

No. 1443G., Fort William, 13th December 1884.

RESOLUTION—By the Government of India, Public Works Department.

Engineer appointments guaranteed to Indian Civil Engineering Colleges.

Read again—

Despatch from the Secretary of State, No. 32, dated 4th August 1881.
„ to „ „ „ 38, „ 8th July 1882.
„ from „ „ „ 52, „ 28th September 1882.
Public Works Department Resolution, Nos. 1516—28 G., dated 11th November 1882.
„ „ „ 241—51 G., „ 14th February 1883.
Despatch to the Secretary of State, No. 36, dated 28th July 1883.
„ from „ „ „ 74, „ 20th December 1883.
„ to „ „ „ 14, „ 21st April 1884.
„ from „ „ „ 38, „ 24th July 1884.
„ to „ „ „ 45, „ 29th August 1884.

Read also—

Despatch from the Secretary of State, No. 67, dated 30th October 1884.

RESOLUTION.—The rules regulating the admission of students to the Indian Engineering Colleges and the manner in which appointments in the Engineering Branch of the Public Works Department may be obtained by students of these Colleges, are contained in the Resolutions of the Government of India in the Public Works Department of 11th November 1882 and 14th February 1883. These Resolutions modified the previously existing rules in several respects, and notably in giving to students of pure Indian descent a preference over all other students for guaranteed appointments in the Public Works Department. As long ago as 1876 it had been remarked by the Secretary of State that very few persons of pure Indian origin succeeded in obtaining appointments in the public service through the Engineering Class of the Thomason College, and between that time and the year 1882 he had repeatedly urged on the Government of India the advisability of giving to pure natives a preferential claim to such appointments. The Government of India, while recognising the desirableness of attracting natives of India to the Engineer Department, hesitated to give an exclusive preference to one class of natives of India as defined by Statute, and the discussions on this point ranged over a considerable period. Ultimately the Governor General in Council acquiesced in the proposals of the Secretary of State, being influenced mainly by the consideration that, owing to reductions in the Public Works Department, the number of appointments available for pupils of the Indian Colleges had become **so small that in no other way could the object in view be attained. The number of appointments guaranteed to the four Indian Colleges was no more than six for the year 1885 and seven for 1886, and under these circumstances almost the only way of facilitating the candidature of** pure natives seemed to be to give them a preference over other students. Shortly after the issue of the Resolutions in question, memorials were received from various Associations of domiciled Europeans and Eurasians in India, remonstrating against the disadvantage at which persons of their class were placed by the new rules. These memorials were forwarded to the Secretary of State with the Despatch from the Government of India of 28th July 1883, in which the Governor General in Council remarked that although, looking to the small number of appointments involved, the memorialists appeared to exaggerate somewhat the practical effect of the rules upon their interests, he could not but think that "they had a certain solid foundation for their dissatisfaction, and that their representations deserved attention." The Governor General in Council accordingly recommended that arrangements should be made in regard to the recruiting of the Public Works Department which would have the effect of

increasing the number of appointments available for the Indian Colleges to eleven, and that with this extension of the field of employment the area of competition might again be widened so as to include all persons coming under the statutory definition of natives of India. Considerable correspondence has since taken place upon various points of detail in this scheme, and the Secretary of State has now decided that the annual recruitment from the Indian Colleges shall be fixed at nine. Although somewhat smaller than what they had recommended, the Government of India believe that this increase in the number of appointments, taken in connection with the changes made in other respects in the rules of admission to the College, renders it unnecessary to maintain a preference in favour of students of pure Indian descent, and that the object with which that preference was given may now be sufficiently attained without it. In future, therefore, all students coming under the statutory definition of natives of India will be eligible to compete on equal terms for the guaranteed appointments in the Public Works Department.

The appointments will, for the present, be allotted as follows :—

To Thomason College, Rurki	4 and 5 alternately.
Seebpore „	2 and 1 „
Madras Civil Engineering College	1
Poona College of Science	2

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab, in the Public Works Department.
The Chief Commissioners of the Central Provinces, British Burmah, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Beluchistan.
The Director General of Railways.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments and Administrations noted in the margin; also that it be published in the *Gazette of India* and in all local official Gazettes.

W. S. TREVOR, *Colonel, R.E.*,
Secy. to the Govt. of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 5, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is ₹5 per annum, payable in advance. When sent by post, ₹2-8 per annum additional will be charged for postage.

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

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

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Subscription for *Gazette* and Supplement per annum	15	0	0
Postage	5	8	0
Subscription for Supplement only	6	0	0
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For a single copy of the *Gazette*	0	8	0
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Postage on single copies varies according to weight.

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

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 25th June 1884.

No. 448.—Mr. E. A. Wainright, Assistant Surveyor, 1st Grade, attached to No. 5 or Mirzapur Topographical Survey, is granted privilege leave for one month, with effect from 23rd June 1884, under Sections 71 to 76, Chapter X, of the Civil Leave Code.

The 28th June 1884.

No. 449.—The following promotion is made, *vice* Mr. J. F. McCarthy, Assistant Surveyor, 2nd Grade, who has not rejoined from leave, with effect from 1st April 1884:—

Mr. E. B. M. Drew, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

No. 450.—The following promotions are made, with effect from the forenoon of the 2nd instant, consequent on the appointment of Mr. G. A. McGill, Surveyor, 1st Grade, as Chief Draftsman, Survey of India Office, Calcutta, *vice* Mr. A. Chamarett, retired:—

Mr. A. J. Wilson, Surveyor, 2nd Grade, to be Surveyor, 1st Grade.

Mr. A. M. Lawson, Surveyor, 3rd Grade, to be Surveyor, 2nd Grade.

Mr. A. Christie, Surveyor, 4th Grade, to be Surveyor, 3rd Grade.

Mr. J. Connor, Officiating Surveyor, 4th Grade, is confirmed in that grade.

Mr. J. Newland, Assistant Surveyor, 1st Grade, is appointed to officiate as Surveyor, 4th Grade.

Mr. E. S. P. Hill, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

G. C. DuPRÉE, *Colonel*,
Surveyor General of India.

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

The undermentioned Students have passed the Supplementary B. A. Examination :—

FIRST DIVISION.

In order of Merit.

1	Ram Sahay	Patna College.	
2	Nandi, Sitanath	G. A. Institution.	

SECOND DIVISION.

In Alphabetical Order.

	Acharyya, Kaliprasanna	Rajshahye College.
	Bagchi, Debendraprasad	Presidency College.
	Bandyopadhyay, Rakhaldas, No. 1	Ditto.
	Bhaduri, Srimanta	F. C. Institution.
	Bhattacharyya, Annadaprasad	Presidency College.
	Chakrabarti, Jnanadagobidna	G. A. Institution.
	Chaudhuri, Ramchandra	Benares College.
	„ Saratchandra	G. A. Institution.
	Chattopadhyay, Abinaschandra	F. C. Institution.
10	„ Upendranath	B. C. E.
	Das, Gopalchandra	Presidency College.
	„ Harinath	G. A. Institution.
	„ Nabakumar	Dacca College.
	Datta, Lambodar	G. A. Institution.
	Ghosh, Asutosh	Teacher.
	„ Parbaticharan	Metropolitan Institution.
	Gokal Prasad	Agra College.
	Gupta, Brajendramohan	G. A. Institution.
	Harris, S. S.	Lahore College.
20	Madanmohan Lal	Muir Central College.
	Mallik, Priyalal	Presidency College.
	Mitra, Baradakanta	G. A. Institution.
	„ Binodbihari	Ditto.
	Mukhopadhyay, Amritalal	Presidency College.
	„ Upendrachandra	G. A. Institution.
	Palit, Amritalal	Presidency College.
	„ Sibchandra	Ditto.
	Ray, Harendralal	Metropolitan Institution.
	„ Hemchandra	Dacca College.
30	„ Taranimohan	Metropolitan Institution.
	Raychaudhuri, Srischandra	Presidency College.
	Sahay, Mahabir	Patna College.
	Sarkar, Adharchandra	G. A. Institution.
	Sen, Ambikacharan	Teacher.
	Sil, Aghornath	Presidency College.
	„ Gokulnath	Hughli College.
	Tapeswari Prasad	Patna College.
38	Thomas, D.	Teacher.

THIRD DIVISION.

In Alphabetical Order.

	Abdul Hamid	Patna College.
	Bandyopadhyay, Atulchandra	G. A. Institution.
	„ Debendranath	Presidency College.
	„ Haripada	F. C. Institution.
	„ Kanailal	G. A. Institution.
	Barik, Nilmadhab	Patna College.
	Basu, Abinaschandra	Metropolitan Institution.
	„ Atulyacharan	Presidency College.
	„ Bholanath	G. A. Institution.
10	„ Jadunath	Metropolitan Institution.
	„ Tarinicharan	Dacca College.
	Bhabani, Sitanath	Teacher.
	Bhatta, Tridharacharan	Metropolitan Institution.
	Bhattacharyya, Asutosh	Presidency College.
	„ Bishnucharan	F. C. Institution.
	„ Krishnanath	Rajshahye College.
	Bhowal, Gobindachandra	Patna College.
	Biswas, Dinanath	Metropolitan Institution.
	„ Girindranath	G. A. Institution.
20	„ Sasthibar	Teacher.
	Chakrabarti, Aghornath	Metropolitan Institution.
	Chattopadhyay, Bholanath	Teacher.
	„ Kalipada	Presidency College.
	„ Saratchandra	Metropolitan Institution.
	Chaudhuri, Bhagabaticharan	F. C. Institution.
	„ Jaychandra	Presidency College.
	Das, Adharchandra	G. A. Institution.
	„ Debendranath	Dacca College.
	„ Harendrakumar	G. A. Institution.
30	„ Kalikamal	Teacher.
	„ Lalitmohan	Dacca College.
	Datta, Akshaykumar	Teacher.
	„ Janakinath	Canning College.
	„ Jaykali	Metropolitan Institution.
	„ Madhusudan	G. A. Institution.
	Dattaray, Anandakisor	Ditto.
	Deb, Nandalal	Ditto.
	Goswami, Surendranath	Metropolitan Institution.
	Ghosh, Aghornath	Teacher.
40	„ Asutosh	Presidency College.
	„ Bipinbihari	Metropolitan Institution.
	„ Jaganmohan	Ravenshaw College, Katak.
	Guha, Gurucharan	Dacca College.
	„ Kaliprasanna	Presidency College.
	„ Rajanikanta	G. A. Institution.
	Jagannathprasad	Benares College.
	Jash, Bholanath	Dacca College.
	Kar, Haricharan	Dacca College.
	Laha, Nagendranath	G. A. Institution.
50	Maitra, Purnachandra	Ditto.
	„ Purnachandra	Krishnagar College.
	Majumdar, Rohinikumar	Teacher.
	Misra, Gauriprasad	Patna College.
	Mitra, Gopalchandra	Metropolitan Institution.
	„ Lalitmohan	G. A. Institution.
	„ Upendragopal	F. C. Institution.
	Mukhopadhyay, Bidhubhushan	Presidency College.
	„ Jogindranath	Muir Central College.
	„ Piyarilal	Metropolitan Institution.
60	„ Sasibhushan	G. A. Institution.
	„ Tripuracharan	Dacca College.
	„ Upendranath	Teacher.
	Palit, Baikunthanath	G. A. Institution.
	Ray, Asutosh	Metropolitan Institution.
	„ Radhaballabh	G. A. Institution.
	„ Sasikanta	Metropolitan Institution.
	„ Satyanath	Krishnagar College.
	„ Umeschandra	G. A. Institution.
	„ Upendranath	Metropolitan Institution.
70	Raychaudhuri, Abhaykumar	F. C. Institution.
	„ Sibkrishna	Metropolitan Institution.
	Sajjad Hussain	M. A. O. College.
	Samir-ul-din Ahmed	Presidency College.
	Sanyal, Durgananda	Rajshahye College.
	Sarkar, Becharam	Hughli College.
	„ Benimadhab	M. A. O. College.
	„ Paresnath	F. C. Institution.
	Sen, Kalicharan	G. A. Institution.
	„ Kasibhushan	Teacher.
80	„ Pranhari	G. A. Institution.
	„ Satiskamal	Ditto.
	„ Syamlal	Presidency College.
	„ Upendranath	F. C. Institution.
	Sheo Sahay	Canning College.
	Sheucharanlal	Muir Central College.
	Suryya Sahay	Canning College.
87	Thakur, Rajendranath	G. A. Institution.

SENATE HOUSE,

The 27th June 1884.

The following selections and text-books are appointed for the Examinations of 1886-87 :—

ENTRANCE EXAMINATION, 1886.

English.

Washington Irving	Sketch Book. The portion to be read to be notified later.

ENTRANCE EXAMINATION, 1887.

Greek.

Xenophon	Anabasis, Books I and II.
Homer	Iliad, Book I.

Latin.

Cornelius Nepos	Vitae.

Sanskrit.

Satyaprasad Sarbadhikari	Sahityasar.

Arabic.

Selections from Alif Laila prepared for the Higher Standard Examination of Military and Civil Officers.

Persian.

Maulavi Muhammad Muhiuddin	Guldastai Danish.

Hebrew.

The Book of Genesis.

Bengali.

Selections by Babu Nilmani Mukerjea.

Urdu.

Selections by Maulavi Kabír-ud-din Ahmed, Khan Bahadur.

Hindi.

Rámáyan	Bálkanda.
Rajniti	The last two Chapters.

Uriya.

Mahabharat	Udyoga Parva (miscalled Virat Parva) printed by the School Book Society.
Jivancharita	Translation from Iswarchandra Vidyasagar by Fakirchand Senápati.
Raghuvansa	The whole.

Armenian.

History of Armenia	Books I—II.

Burmese.

Zeneka.

Dhamma Pada-ga-hta	Selections (Rangoon Mission Press, 1873).

Pali.

Pali Miscellany	By Professor Trenckner (28 pages of text).

Selections from the Jatakas (Professor Fausböll's edition), the Apannakajataka (36 pages of text).

French.

Lamartine	Christophe Colomb. An easy paper in Elementary Grammar and Composition.

FIRST EXAMINATION IN ARTS, 1887.

English.

Tennyson	Enoch Arden.
Macaulay	Lays of ancient Rome, Horatius and the Battle of the Lake Regillus.
Swayne	Herodotus (Ancient Classics for English Readers).
Stopford Brooke	Primer of English Literature VI—VIII.
Milton	Comus.
Wordsworth	Selections from, by Turner (omitting the Ode on intimations of Immortality,) in Rivington's English School Classics.
Macaulay	Essay on Clive.
Merison	Macaulay (in English Men of Letters Series).

Greek.

Herodotus	Book IV.
Euripides	Hecuba.

Latin.

Virgil	Eclogues and Æneid, Lib. I.
Cicero	De Senectute and De Amicitia.

With passages from authors not prescribed beforehand to be translated into English.

Sanskrit.

Banabhatta	Sri Harsha Charita,—Uchchhvasa V.
Kalidasa	Raghuvansa, Cantos X—XV.

Arabic.

Selections by Mr. Kempson.

Persian.

Selections by Maulavi Kabir-ud-din Amhad, Khan Bahadur.

Hebrew.

Genesis.
Ruth.
Psalms I—XLI.

Pali.

Jatakas (Fausböll's edition) Vaggo I—IV.—pp. 95—234.
Dhammapada (Fausböll's edition) the first Bhanavaram, pages 1—35.

Bengali Subjects for Female Candidates.

Sivanath Sastri	Nirbásitárviláp.
Akshaykumar Dutt	Dharmaniti.

Physical Science.

Ganot's Popular Natural Philosophy, 4th Edition	Book I, omiting articles 12, 13, and 62—75; Book II, omitting articles 107—110; Book III, omiting articles 124—131. Book V. omitting articles 240—242; 252; 258—262; 268—271; 273—277; 279; 282—287; 293—298. Book VI, omitting articles 371—372; 374, 377; 378, 381—393; 396, 397. Book VII, omitting articles 407—409. Book VIII, omitting articles 502—508.

Mental and Moral Science.

Logic	P. K. Ray's Text-book of Deductive Logic, omitting Chapter IX, and the Appendix.

History.

Smith	Smaller History of Greece.
Creighton	Primer of Roman History.

Mathematics.

Hamblin Smith	Elementary Algebra, Indian Edition, omitting chapters XXII, XXXVII, and XXXVIII.
	or
P. Ghosh	Elements of Algebra, omitting Articles 312 to the end.
Wilson	Elementary Geometry (Edition 1881) books I—V.
Wilson	Conic Sections, Chaps. I and II and the first two theorems of Chap. III.
Hamblin Smith	Trigonometry.

B. A. EXAMINATION, 1887.

English.

PASS COURSE.

Shakespeare	Richard II, Macbeth, Merchant of Venice.
Tennyson	Oenone, Lady Clara; The Lotos-Eaters; A Dream of Fair Women; Morte d'Arthur; Dora; and pages 78—96, Vol. II, Cabinet Edition.
Landor	Selections from Nos. 7, 8, 9, 19, 21, 125—251 (Golden Treasury Series.)
Milton	Paradise Lost, VII—IX.
Hales	Longer English Poems, Dryden to Byron (omitting Burns).
Burke	French Revolution.
Morley	Life of Burke (English Men of Letters Series).

HONOUR COURSE.
(In addition to the subjects for the Pass Course.)

Ben Jonson	Every Man in his Humour.
Tennyson	Princess.
Sir T. Browne	Religio Medici.
Helps	Realmah.

Permanent subjects.

Earle	The Philology of the English Tongue.
Shaw	Outlines of English Literature.

PASS COURSE.
Greek.

Sophocles	Philoctetes, Electra.
Demosthenes	De Corona.
Æschines	In Ctesiphontem.

HONOUR COURSE.
(In addition to the subjects for the Pass Course.)

Thucydides	Book II.
Euripides	Bacchae.
Plato	Phaedo.

Permanent subject.

Peile	Primer of Philology.

Latin.
PASS COURSE.

Horace	Epistles Lib. I, Ars Poetica.
Cicero	Pro. Cluentio.
Tacitus	Agricola.

With passages from authors not prescribed beforehand to be translated into English.

HONOUR COURSE.

Virgil	Georgics, III and IV.
Persius	Satires.
Tacitus	Histories, I, II.

With passage from authors not prescribed beforehand to be translated into English.

Permanent subject.

Peile	Primer of Philology.

Sanskrit.
PASS COURSE.

Bánabhatta	Kádambari Uttarabhága, p. 85 in the Calcutta Edition of Samvat 1919 to the end : (beginning with the words *Kádambarí vihasya pratyavádit Apyunmattike kuto sya me, &c.*)
Bháravi	Kirátárjuniya, Cantos I—IV.

HONOUR COURSE.
In addition to the subjects for the Pass Course.

Bánabhatta	Kádambári Uttarabhága the whole.)
Bharavi	Kirátárjuniya, Cantos XI—XIV.
Sayce	Principles of Comparative Philology.

Hebrew.
PASS COURSE.
Samuel, I and II.
Chronicles, I and II.
Psalms, XC—CL.
Proverbs.

HONOUR COURSE.
(In addition to the subjects for the Pass Course.)
Isaiah.
Ezekiel.
The History of the Hebrew Language and Literature.

Arabic.
PASS COURSE.
Tarikh-i-Yamani.
Mustatrif.
Hamasah. . . 31 Pages.
Mutanabbi Maádih-i-Azududdaulah.

[illegible]
(In addition to the subjects for the Pass Course.)
Maqamat-i-Hariri . . First half.
Tarikh-i-Timuri.
Hamasah . . . 84 Pages.
Banat Suad.
Nahfaut Tib . . About half the Maqamat.

Persian.
PASS COURSE.

Wakai, Niamat Khan Ali	The last half.
Firoz Shahi	The first 50 pages.
Shah Namah	The first 50 pages.
Zahir Faryabi	The first 50 pages.

HONOUR COURSE.
(In addition to the subjects for the Pass Course).
Akhláq-i-Jalali.
Inshat Abul Fazl.
Hafiz . . . . First half, *i. e.*, pages 1—125.

Mental and Moral Science.
PASS COURSE.

Mansel	Metaphysics (omitting Ontology).
Jardine	Psychology of Cognition.
Calderwood	Hand-book of Moral Philosophy.
Bain	Mental and Moral Science.

HONOUR COURSE.
(In addition to the subjects for the Pass Course).

Ueberweg	History of Philosophy, Vol. II, and
Ueberweg	System of Logic and History of Logical Doctrines, or
Flint	Theism and
Butler	Analogy of Natural and Revealed Religion, Part I.

Mathematics.
PASS COURSE.

W. G. Willson	Elementary Mechanics.
Besant	Elementary Hydrostatics, Chapters I—VII.

HONOUR COURSE.
(In addition to the subjects for the Pass Course).

Salmon	Conic Sections (6th edition), Chaps. I—III, V—VIII to the end of article 116, X—XIII.
Williamson	Differential Calculus, Chaps. I—V, VIII, XI—XVII.
Todhunter	Integral Calculus, Chaps. I—VII, or the corresponding articles in Williamson's Integral Calculus.

History.
PASS COURSE.
History of England.

Green	Short History of the English People.

History of India.

Wheeler	Short History of India.
Elphinstone	History of India, Books V—XI.

Histories of Greece and Rome.

Smith	Student's History of Greece.
Liddell	Student's History of Rome.

Political Economy.

Fawcett	Manual of Political Economy.

HONOUR COURSE.
(In addition to the subjects for the Pass Course).

Capes	The Early Empire.
Capes	The Age of the Antonines.
Bagehot	The English Constitution.
Mill	Political Economy.

Physical Science.
Physics.
THE FULL COURSE.

Deschanel	Elementary Treatise on Natural Philosophy.
Clerk Maxwell	Matter and Motion.

The Elements of Physics.

Miller	Chemical Physics (Part I of the Elements of Chemistry), omitting Chap. IV, Sec. 2; Chap V, Sec. 2; Chap. VI, Secs. 1, 2, 4, 5, 6, 7.

Chemistry.
THE FULL COURSE.

Miller	Elements of Chemistry, Part II.
Armstrong	Organic Chemistry.

The Elements of Chemistry.

Fownes	Inorganic Chemistry.

The Doctrine of Scientific Method.

Jevons	Principles of Science.

Physiology.

Huxley and Martin	Elementary Biology.
Huxley	Elementary Lessons in Physiology.
Thome	Text-book of Botany, translated by Bennet (the Physiological Sections).

The Doctrine of Scientific Method.

Jevons	Principles of Science.

Botany.

Thome	Text-book of Botany, translated by Bennet.
Henfrey	Elementary Course of Botany, edited by Masters.
Oliver	First Book of Indian Botany.
Sach	Text-book of Botany, translated by Bennet and Dyer, Book I.

The Doctrine of Scientific Method.

Jevons	Principles of Science.

Zoology.

Huxley	Comparative Anatomy of the Vertebrata.
Huxley	Comparative Anatomy of the Invertebrata.
Kirkes	Handbook of Physiology.
Nicholson	Introductory Text-book of Zoology
Wallace	Geographical Distribution of Animals.
Jerdon	Mammals and Birds of India.
Theobald	Descriptive Catalogue of the Reptiles of British India.

The Doctrine of Scientific Method.

Jevons	Principles of Science.

Geology.

Geikie	Text-book of Geology (Ed. 1882).
Nicholson	Palæontology.

The Doctrine of Scientific Method.

Jevons	Principles of Science.

Mineralogy.

Brooke and Miller	Mineralogy.
Scheerer and Blanford	Introduction to the Use of the Mouth Blowpipe.

The Doctrine of Scientific Method.

Jevons	Principles of Science.

Physical Geography.

Huxley	Physiography.
Somerville	Physical Geography.
Blanford	Meteorology of India.
Scheerer and Blanford	Introduction to the Use of the Mouth Blowpipe.
Plattner	Manual of Qualitative and Quantitative Analysis with the Blowpipe.

The Doctrine of Scientific Method.

Jevons	Principles of Science.

M. A. EXAMINATION, 1887.

English.

Spenser	Faery Queene, Book II.
Shakespeare	King Lear; Much Ado about Nothing; King John; Antony and Cleopatra.
Marlowe	Edward II.
Milton	Paradise Regained.
Tennyson	Cabinet Edition, Vol. VII, omitting Helias and Etarre.
Bacon	Advancement of Learning.
Jane Austen	Emma.
Leslie Stephen	Hours in a Library.
Lamb	Essays of Elia.
Ainger	Charles Lamb (English Men of Letters Series).

Permanent Subjects.

Morris	Historical English Accidence.
Smith	Student's Manual of the English Language.
Taine	History of English Literature, translated by Van Laun.
Dowden	Shakespeare's Mind and Art.
Sweet	Angio-Saxon Primer.
Sayce	Introduction to the Science of Language.

Greek.

Homer	Iliad, Books I—XII.
Pindar	The whole.
Æschylus	Prometheus, Agamemnon, Eumenides.
Sophocles	Œdipus Tyrannus; Ajax; Antigone.
Euripides	Hecuba; Medea: Ion.
Aristophanes	Knights; Clouds; Frogs; and Birds.
Herodotus	Books II and III, to the end of Chap. LXVI.
Thucydides	Books VI, VII, VIII.
Demosthenes	Orations against Leptines and Meidias and de Falsa Legatione.
Plato	Republic; Theaetetus.
Aristotle	Politics.

Permanent Subjects.

Sayce	Introduction to the Science of Language.
Mahaffy	History of Classical Greek Literature.

Latin.

Virgil	Bucolics (with the exception of II); Georgic; Æneid, Books I—VI.
Horace	Odes; Epodes; Satires I (with the exception of 2 and 8); epistles I; De Arte Poetica.
Juvenal	Satires (except II, VI, and IX).
Persius	Satires.
Lucretius	Books I, V, and VI.
Catullus	1, 2, 3, 4, 9, 12, 22, 30, 31, 46, 49, 51, 63, 64, 65, 66.
Plautus	Aulularia, Captivi.
Terence	Andria, Heauton-Timoroumenos.
Livy	Books XXI—XXV.
Sallust	Bellum Catilinarium, Bellum Jugurthinum.
Cicero	Second Philippic; De Natura Deorum.
Tacitus	Histories.

Permanent Subjects.

Sayce	Introduction to the Science of Language.
Cruttwell	History of Roman Literature.

Sanskrit.

Kálidása	S'akuntalá.
Bhavabhuti	Mahávíracharita, Málati Mádhava.
Visakhadatta	Mudrá Rákshasa.
Bánabhatta	Kádambarí, Purvabhága.
Srí Harsha	Naishada Charita, I—V.
Mágha	Sisupálabadha, I—V.
Vyása and S'ankara	Vedánta Sútras, 1st 3 Sútras of the 1st Adhyáya, and 1st and 2nd Pádas of the IInd Adhyáya.
Viswanatha Panchánana	Bháshaparichchheda with Siddhanta Muktávali (omitting from the latter the section on Anuména beginning with the words *Anumitim vyutpadayati* to *upamitim vyutpadayati* and Vyatirekavyápti and Upádhi.
Mammata Bhatta	Kávya Prakása.
Vachaspati Misra	Tattva Kaumudi.
Chhándogya Upanishad with Sankara Bhashya.	
Rigveda Sanhitá	1st and 2nd Adhyáyas.
Panini	Vaidika Prakriyá as contained in Siddhánta Kaumudi.

Permanent Subjects.

Monier Williams	Indian Wisdom.
Max Müller	History of Ancient Sanskrit Literature.
Weber	History of Indian Literature.
Muir	Sanskrit Texts, Vols. III, IV and V.

Hebrew.
Isaiah.
Jeremiah.
Ezekiel.
The Minor Prophets.
Psalms.
Proverbs.
Job.
Ecclesiastes.
Song of Solomon.
Daniel.
Ezra.
Nehemiah.

Permanent Subjects.

Robertson Smith	Old Testament in the Jewish Church.
Davidson	Introduction to the Old Testament.
Ewald	History and Antiquities of Israel.
Sayce	Introduction to the Science of Language.

Arabic.

Muqaddamai-i-Ibn Khaldún	50 pages.
Maqamát-i-Hariri	1st half.

Poetry.

PROSE.

Hamásah	The whole.
Mutanabbi	
Sabai Muallaqah	

History.

(*a*) No text books.	
(*b*) Hallam	Middle Ages, Chap. VIII, Part 3, and notes.
Hallam	Constitutional History of England.
Erskine May	Constitutional History of England.
(*c*) As a period :—	
The History of Europe during the 16th Century.	
Hume	History of England.
Froude	History of England.
Robertson	Charles V.
Prescott	Philip II.
Motley	Rise of the Dutch Republic.
Motley	United Netherland.
(*d*) Guizot	History of Civilization.
Mill	Representative Government.
Austin	Jurisprudence, Chap. V and VI.
Wheaton	International Law, Parts I and II.
(*e*) Adam Smith	Wealth of Nations.
Mill	Political Economy.
Leone Levi	History of British Commerce.

MENTAL AND MORAL SCIENCE.

(In addition to the books prescribed for Pass and Honour Course B. A.)

Mansel	Prolegomena Logica.
Mill	Logic.
Jevons	Principles of Science.
Hamilton	Lectures, Vols. I and II.
Mill	Examination of Sir W. Hamilton's Philosophy.
M'Cosh	Examination of J. S. Mill's Philosophy.
Kant	Prolegomena and Critique of Pure Reason, by Mahaffy.
Descartes	Discourse of Method.
Berkeley	Principles of Human Knowledge.
Archer Butler	Lectures on Ancient Philosophy.
Sidgwick	Methods of Ethics.
Mill	Utilitarianism.
Bain	The Emotions and the Will.
Butler	Dissertation on Virtue; Sermons 1—3.
Herbert Spencer	First Principles.

Natural Theology.

Flint	Antitheistic Theories.
M'Cosh	Method of Divine Government.
Caird	Introduction to the Philosophy of Religion.
Max Müller	Lectures on the Science of Religion.

Evidences of Christianity.

Paley	Evidence of Christianity.
Butler	Analogy of Natural and Revealed Religion, Part II.
Christlieb	Modern Doubt and Christian Belief.
Mozley	Lectures on Miracles.

Mathematics.

Todhunter	Algebra.
Todhunter	Trigonometry.
Todhunter	Theory of Equations, Chaps. I, III —XXII and XXVIII to the end.
Salmon	Conic Sections.
Frost	Solid Geometry, Vol. I.
Williamson	Differental Calculus.
Williamson	Integral Calculus.
Poole	Differental Equations, Chaps. I—XII (first edition).
Todhunter	Statics.
(Or the corresponding Articles in Minchin's Statics).	
Tait and Steele	Dynamics of a Particle.
Besant	Hydromechanics.
Parkinson	Optics.
Todhunter	Spherical Trigonometry.
Godfrey	Treatise on Astronomy.
Newton	Principia (edited by Main).
Routh	Rigid Dynamics, Chapter I (omitting ellipsoids of inertia, equimomental bodies and principal axes), Chaps. II—IV.

NATURAL AND PHYSICAL SCIENCE.

A. Chemistry.

Roscoe and Schorlemmer	Treatise on Chemistry.
Valentin	Inorganic Chemistry.
Valentin	Qualitative Chemical Analysis.
Thorpe	Quantitative Chemical Analysis.

B. Electricity and Magnetism.

Faraday	Experimental Researches in Electricity, Vol. I.
Clerk Maxwell	Elementary Treatise on Electricity.
Linnæus Cumming	Introduction to the Theory of Electricity.
H. Lloyd	Magnetism.

C. Heat and the Elements of Molecular Physics.

Maxwell	Theory of Heat.
Tait	Thermodynamics, Chaps. I and II.
Baynes	Lessons on Thermodynamics.
Dixon	Treatise on Heat.
Fourier	Analytical Theory of Heat, Chaps. I and II.

D. Botany.

Asa Gray	Structural Botany.
Sach	Text-book of Botany (translated by Bennet and Dyer.)
Balfour	Palæontological Botany.
Lyell	Elements of Geology (the sections on Palæobotany).
Roxburgh	Flora Indica, Clarke's edition (for reference in identifying Indian plants).

E. PHYSIOLOGY AND ZOOLOGY.

(In addition to the Text-books for the B. A. Examination).

Gegenbauer	Comparative Anatomy.
Foster	Text-book of Physiology.
Gamgee	Physiological Chemistry of the Animal Body.
Balfour	Comparative Embryology.
Herbert Spencer	Principles of Biology.
Darwin	Origin of Species.

F. GEOLOGY AND MINERALOGY.

Lyell	Principles and Elements of Geology.
Geikie	Text-book of Geology, 1882.
Nicholson	Palæontology.
Woodward	Manual of the Molluscs.
Owen	Palæontology.
Ramsay	Physical Geology and Geography of Great Britain (5th or subsequent edition).
	Palæontologia Indica.
Blanford and Medlicott	Manual of the Geology of India, Vols. I and II.
Brooke and Miller	Mineralogy.
Dana	System of Mineralogy.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 12th June 1884.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 17th June 1884.

No. 16.—The services of the undermentioned Hospital Assistants of the military establishment are placed permanently at the disposal of the Chief Commissioner of Assam :—

1st Class, No. 52, Kurreem Ally.
3rd „ „ 249, Himmut Deen.
„ „ „ 360, Edu Bux.
„ „ „ 368, Sheik Amirudin.
„ „ „ 395, Shufqut Husain.
„ „ „ 457, Ram Churn.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

BANK OF BENGAL.

NOTICE.

Calcutta, the 3rd July 1884.

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

Mr. H. Gray has been appointed to act as Agent at Nagpore, *vice* Mr. Fred. Burns.

Mr. Fred. Burns has been appointed to act as Agent at Moulmein, *vice* Mr. T. Smith, who has been granted twelve months' leave.

W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

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

NOTIFICATION.—ESTABLISHMENT.

Indore, the 27th June 1884.

No. 6.—ERRATUM.—In Central India Public Works Department Notification No. 3, dated 2nd June 1884, *read* "Professional" *for* "Departmental Standard" Examination.

By Order,

C. S. THOMASON, *Col., R.E.,*
Secy. to Agent to the Govr. Genl. for Central India, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Abu, the 23rd June 1884.

No. 1855 *G.*—Surgeon D. ff. Mullen, Medical Officer of the Meywar Agency, is granted three months' privilege leave from 1st July 1884, or such subsequent date as he may avail himself of the same.

No. 1864 *G.*—In exercise of the powers conferred by Foreign Department Notification No. 99 I.-J., dated 27th April 1881, the Agent to the Governor General for Rajputana and the Chief Commissioner of Ajmere-Merwara is hereby pleased to appoint Mr. J. A. Crawford, C.S., Assistant Commissioner, Ajmere, to be a Magistrate of the 1st Class, as described in Section 32 of Act X of 1882, the Criminal Procedure Code, together with all the powers mentioned in Sections 37 and 191, paragraphs 2 and 3, of Act X of 1882, to be exercised within such portions of the Neemuch-Nusseerabad Railway as lie within the States of Meywar and Tonk.

The 24th June 1884.

No. 1868 *G.*—Second Class Hospital Assistant Gunga Sehaie was transferred from the Rajputana-Malwa Railway to the Hospital of the Eastern Rajputana States Agency on the 7th April 1884, and from the latter appointment to the Government Reserve List on the 1st June 1884.

No. 1869 *G.*—The six months' leave granted to 3rd Class Hospital Assistant Rajjub Ally in this Office Notification No. 8 G., dated the 3rd January 1884, is commuted into furlough for one year on medical certificate.

The 27th June 1884.

No. 1881 *G.*—Lieutenant-Colonel G. L. K. Hewett, Commandant, Erinpura Irregular Force, availed himself on the 22nd June 1884 of the privilege leave granted him in this Office Notification No. 1427 G., dated 22nd May 1884.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER, AJMERE-MERWARA.

NOTIFICATION.

Abu, the 28th June 1884.

No. 508.—Under Section 32 of the Criminal Procedure Code, Lieutenant C. Herbert is invested with the powers of a Magistrate of the 1st Class, within the limits of the Nusseerabad Cantonment, with effect from the date of assuming charge of his Office as Cantonment Magistrate of Nusseerabad.

By Order,

W. H. C. WYLLIE,
1st Asst. to the Chief Commr.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 28th June 1884.

No. 32.—Lieutenant C. E. Norton, R.E., Assistant Engineer, 2nd Grade, on expiry of the three months' language leave granted to him in Inspector General's Notification No. 18 of 2nd April 1884, is transferred from the Meerut Command, Military Works, to the Head-quarters staff of the Inspector General, Military Works.

The 28th June 1884.

No. 33.—Lieutenant G. M. Porter, R.E., Assistant Engineer, 1st Grade, is transferred from the Presidency-Oudh Command, Military Works, to the Rawalpindi Command, Military Works.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

Report of a Deserter from the 2nd Battalion, East Yorkshire Regiment of Foot, dated at Colaba, this 25th day of June 1884.

Number, Rank, and Name,—No. E. Y.—526, Private John Fitzpatrick.	At what Place Enlisted,—York.
Age,—25 years 9 months.	Parish and County in which Born,—Limerick, Limerick.
Size,—5 feet 7 inches.	Marks,—Circular scar on left cheek.
Colour of—Complexion, fresh; Hair, brown; Eyes, grey.	Trade,—Labourer.
Date of Desertion,—21st June 1884.	Coat or Jacket,— } Uniform. Waistcoat,— . Breeches or Trowsers,— .
Place of Desertion,—Colaba, Bombay.	REMARKS,—
Date of Enlistment,—24th May 1883.	Under 2 years' service.

R. L. DASHWOOD, *Lieut.-Colonel,*
Comdg. 2nd Battn., East Yorkshire Regt.

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878) that, on or about the 7th day of June 1884, treasure consisting of the undermentioned articles valued at ₹19, was found hidden by (1) Chinta Latsaya, and (2) Vanjarapu Musalaya, within the limits of the backyard of the house of Buddharazu Kondrazu, in the village of Vuttaraville, in the Taluq of Bobbili, Vizagapatam District :—

Description of the Property.	₹	a.	p.
One large and two small pieces of a female ornament called Tige (necklace) weighing $1\frac{1}{16}$ tolas .	12	0	0
Two silver bracelets and a piece of silver Kadiyam weighing $7\frac{1}{3}$ tolas	7	0	0
TOTAL .	19	0	0

Claimants to the said treasure are hereby required to appear before the Collector of the Vizagapatam District on the 1st day of December 1884, and to put forth their claims to it.

H. VENKATARUN,
Actg. Try. Deputy,
for *Acting Collector.*

VIZAGAPATAM COLLECTOR'S OFFICE,
The 20th June 1884.

CEMETERY NOTICE.

Under Rule XII of the Notification of the Government of India, in the Home Department, No. 421, of the 12th December 1877, it is hereby notified that the following monuments in the Lower Circular Road Cemetery, Calcutta, are in a ruinous condition and will be levelled with the ground unless the owners thereof, or the relatives or friends of the deceased, arrange for their repair at once :—

Hewick, Caroline.	Court, Horatio.
Copeland, Robert.	Lamborn, C. W.
Little, W. H.	Pratt, Frank.
Constable, infant child of Major.	Rollo, C. E.
	Northam, Anne.
White, William.	Sinclair, William.
Mandall, James.	Ricketts, Caroline.
Paxton, Thomas.	Ratsey, Eleandra.
Burroughs, Jeremy.	Schruder, Daniel.
Black, John.	Faris, Sarah Julia.
Byrne, F. H.	Hawkins, John Henry.
Ashworth, James.	Beatson, William H.
Dodds, Henry.	Gilbert, Charles.
Stone, H.	McCann, Elizabeth.
Cogan, Arabella.	

By Order,

J. A. C. MEAME,
Secretary, Burial Board.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
June 23	. . .	. . .	. . .	31	80,59,574	63,37,711
„ 24	. . .	. . .	. . .	31	80,59,574	63,37,711
„ 25	. . .	. . .	. . .	31	80,59,574	63,37,711
„ 26	3,996	. . .	. . .	4,027	80,59,574	63,37,711
„ 27	1,26,549	. . .	. . .	1,30,576	80,59,574	63,37,711
„ 28	1,016	. . .	. . .	1,31,592	80,59,574	63,37,711

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 30th June 1884.

CURRENCY NOTES.

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

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
84	. P 77—94075 .	100	Messrs. Ahmed Shaw, Mohamed Shaw, & Co., Ludiana.
85	. P 45—04666 .	500	Sookdial Byjnath, No. 9, Juggomohan Mullick's Street, Calcutta.
86	. P 9—88103 .	50	Hossein Ali, No. 37, Chitpore Road, Calcutta.
87	. R 9—28257 .	100	The Post Master General, Bengal.
	„ —28258 .	100	

CALCUTTA,
The 4th July 1884.

J. TAYLOR,
Assistant Comptroller General,
in charge, Paper Currency.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
6	. E 1—68954 .	1,000	Ahmed Shaw, Mohamed Shaw & Co., Shawl Merchants and Loongee Contractors, Ludhiana.

LAHORE,
The 27th June 1884.

W. H. EGERTON,
for *Depy. Commr. of Paper Currency.*

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
15	. B 84—02805 .	100	Dr. Gerard, McKee, Palamcottah
	„ —02806 .	100	
	„ —02807 .	100	

FORT SAINT GEORGE,
The 23rd June 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl.,
In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 3rd July 1884.

Agent, American Colonization Society.	Fisk, F. M.	Robertson, C. H. E. Schneider, Friedr.
Allen & Hayes.	Fraser, Douglas & Co.	Smallwood, George.
Arganath, Dr.	Glasgow, D.	Smith, W. F. F.
Byrne, Thomas.	Grinberg, Jacob.	Standish, Miles & Co.
Cockereil, A. Smith.	Hammond, Mrs.	Street, James.
Collard, Paul.	Hockaday, J.	Turner, J. C.
Crake, W. P.	Macdonell, Mrs. A.	Weatherall, W. G.
Davency, P.	McCombie, F.	Williams, J. Maurice.
Donovan, J.	Middleton, T. B.	Wilson, L.
Eastern Telegraph Co.	Monnier, J. A.	Wishart, D. D.

Letters marked "Care of Post Office."

A. B. C.	Geddard, George J.	Mylae, F.
A. V.	Glasson, J. St. Clair.	Norman, Frank.
"Admirer."	Goddard, G.	Olman, T.
"Agency House."	Graham, R. W.	Parker, F. W.
Anderson, Hubert.	Greenfield, A. J.	Paul, Crawford.
Andrews, J.	H. C.	Perreau, J. C.
Baggs, W. H.	H M. W.	Peter, William.
Bell, William.	H. S. W.	Phœnix, J.
Bernon, T.	Hennis, W.	Piper, E.
Bowen, Mrs. M. A.	Huddlesson, S. E.	Roda, Augusto.
Braunstein, N.	Issac, Margaret.	Rodgers, Paul.
Brincat, Salvator.	Jackson, J. A.	Rono, T.
Britton, M.	Johnston, R. T.	Rubete, Manuel G.
Chapman, Frank.	Jones, Frank M.	Sadler, W.
Cherkis, Herah.	K. M. W.	Shuttleworth, Major.
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Unclaimed Letters held in the Barrackpore Post Office on the 23rd June 1884.

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Campbell, Mrs.	Hickman, A., M.D.	Read, G. H.
Creak, Mrs.	Mitchell, Mrs. E.	Sullivan, D. O., M.D.
Drew, Mrs.	Nation, Miss.	Worgan, J.
Evans, Esq.		

Calcutta, the 5th July 1884.

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Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Foreign Mails *vid* Bombay	5th July	From Bombay.*
Madras and Ceylon	9th July	P. & O. Str. *Bokhara.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	8th „	From Bombay.
Foreign Mails *vid* Bombay	12th „	From Bombay.†
Do. Book Post and Pattern Packets .	11th „	From Bombay.
Rangoon and Moulmein	9th „	Str. *Madura.*‡
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	9th „	Str. *Bushire.*
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* Also for Cape of Good Hope *vid* England can be forwarded.

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For Calcutta.

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E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 12, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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

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

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

SURVEY OF INDIA.

NOTIFICATION.

Simla, the 1st July 1884.

No. 451.—Major T. T. Carter, R.E., Deputy Superintendent, Survey of India, is granted privilege leave for two months and twenty-five days, with effect from 5th August 1884, under Sections 71 to 73 of the Civil Leave Code.

G. C. DEPRÉE, *Colonel,*
Surveyor General of India.

SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

NOTIFICATION.

Mussoorie, the 7th July 1884.

No. 11.—Mr. C. Norman, Assistant Surveyor, 2nd Grade, is granted two months' privilege leave under Section 136, Chapter X, of the Civil Leave Code, in continuation of the leave for one month granted to him in Notification No. 10 of 16th June 1884.

J. B. N. HENNESSEY,
Depy. Surveyor General, in charge Trigonometrical Surveys.

NORTHERN INDIA SALT REVENUE DEPARTMENT.

NOTIFICATIONS.

Agra, the 15th April 1884.

No. 3071.—Mr. G. A. Bradford, Assistant Commissioner, availed himself, in anticipation of sanction, of the leave granted in Order No. 67, dated 14th April 1884, on the 10th April 1884, afternoon.

The 24th June 1884.

No. 5305.—Mr. A. R. Shaw, Assistant Commissioner, proceeding on leave, made over charge of the Lower Division, Internal Branch, to Mr. D. Reid, appointed to officiate as Assistant Commissioner, on the 21st June 1884, afternoon.

A. D. CAREY,
Commr., Northern India Salt Revenue.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 1st July 1884.

Offices reported opened and closed during the month of May 1884:—

Name of Station.	Where situated.	Date.	Remarks.
	Departmental.		
Ahraura	N.-W. Provinces	11th	Opened.
Akote	Central Provinces	1st	Ditto.
Amya	British Burma	6th	Closed.
Bankoora	Bengal Presdy.	3rd	Opened.
Bareilly Cantt.	N.-W. Provinces	17th	Ditto.
Badani	Sind	31st	Ditto.
Bhandara	Central Provinces	24th	Ditto.
Bindki	N.-W. Provinces	19th	Ditto.
Bithur	Ditto	13th	Ditto.
Chandni chauk (Cuttack).	Bengal Presdy.	19th	Ditto.
Chikalda	Central Provinces	15th	Ditto.
Chinsurah	Bengal Presdy.	10th	Ditto.
Cherat	Punjab	3rd	Ditto.
Ellichpore	Central Provinces	18th	Ditto.
Gurkhai	Beluchistan	23rd	Ditto.
Gya (City)	Bengal Presdy.	26th	Ditto.
Husainganj	N.-W. Provinces	30th	Ditto.
Jalesar Town	Ditto	15th	Ditto.
Kach	Beluchistan	12th	Ditto.
Mangi	Ditto	8th	Ditto.
Myitta	British Burma	12th	Closed.
Palampur	Punjab	16th	Opened.
Ponsekai	British Burma (Siamese Frontier.)	6th	Closed.
Rajpore	N.-W. Provinces	22nd	Opened.
Ranikhet	Ditto	8th	Ditto.
Tatta	Sind	1st	Ditto.
Sealdah	Calcutta	15th	. . .*
Amherst Street	Ditto	15th	. . .*
Cossipore	Suburbs of Calcutta.	15th	. . .†
Bagh Bazar	Ditto	15th	. . .†
	Railway.		
Tinsukia	Assam Ry.	26th	Opened.
Kaogaon, Ninajpore, Donwar	Northern Bengal S. Ry.	1st	Ditto.
Korara, Kulwa, Parah	E. I. Ry.	1st	Ditto.
Bellary, Gudiganur, Hospett, Kudatani	S. M. Ry.	. .	Ditto.
Dariaganj, Ganj Deen Dwari, Kaimganj, Kasganj, Mandhana, Patiali, Rodain thana, Shamsabad, Sohawar	Cawnpore-Achnera S. Ry.	. .	Ditto.
Ludowal	S. P. & D. Ry.	5th	Ditto.

* Office moved from Sealdah to Amherst Street.
† Office moved from Cossipore to Bagh Bazar.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 2nd July 1884.

No. 2069.—Colonel M. M. Procter, Assistant Cantonment Magistrate, Morar, is granted privilege leave for one month and ten days, from such date as he may avail himself of the same.

By Order,

C. W. RAVENSHAW, *Capt.*,
Offg. 2nd Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Abu, the 1st July 1884.

No. 1894 *G.*—Lieutenant C. E. Hodgson, Officiating Wing Officer, Meywar Bhil Corps, availed himself on the 15th June 1884 of the six months' examination leave granted him in Foreign Department Notification No. 1120 G., dated 3rd June 1884.

No. 1896 *G.*—Lieutenant G. A. Collins, Officiating 2nd-in-Command, Meywar Bhil Corps, and 2nd Assistant Resident, Meywar, availed himself on the 14th June 1884 of the privilege leave granted him in this Office Notification No. 1188 G., dated 6th April 1884.

No. 1905 *G.*—Major J. H. L. Greenfield, 2nd-in-Command, Deoli Irregular Force, returned to duty on the 16th June 1884 from the ninety days' leave to sea on medical certificate granted him in Military Department Notification No. 261, dated 9th May 1884, and assumed the officiating command of the regiment from Lieutenant J. A. Bell on the same date.

The 5th July 1884.

No. 2022 *G.*—Lieutenant R. A. Cole, Adjutant, Erinpura Irregular Force, returned to duty on the forenoon of the 28th June 1884 from the privilege leave granted him in this Office Notification No. 186 C., dated 15th March 1884.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

AGENT TO THE GOVERNOR GENERAL AND CHIEF COMMISSIONER IN THE P. W. DEPT., RAJPUTANA.

NOTIFICATION.

Mount Abu, the 1st July 1884.

No. 1633 *S.*—The land designated below being required for Railway purposes, declaration is made accordingly:—

District.	Pergunnah.	Village.	Area required. Permanent.	Temporary.	Total.	Purpose for which required.	Remarks.
			a. s. ft.	*a. s. ft.*	*a. s. ft.*		
Ajmere	Ajmere	Madarpura	6 8,990	. .	6 8,990	For a crossing station at Madarpura.	The plan of the land can be inspected at the Office of the Assistant Commissioner, Ajmere.

This declaration is made under Section 6 of Act X of 1870 (The Land Acquisition Act), and the Assistant Commissioner of Ajmere is hereby directed to take orders for the acquisition of the land specified above under Section 7 of that Act.

By Order,
H. Y. MURRAY, *Lieut.-Col.*,
for *Secy. to the Agent to the Govr. Genl., and Chief Commr., in the P. W. D.*

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 3rd July 1884.

No. 540.—The following revised rates of hire of hackney carriages within the municipal limits of Ajmere are substituted for those published under paragraph 19 of Notification No. 888, dated 23rd November 1881, printed in the *Gazette of India*, Part II, dated 3rd December 1881:—

Description of vehicle.	1st hour.	2nd hour.	3rd hour.	Half day of 5 hours.	Whole day of 9 hours.
	R a. p.	*R a. p.*	*R a. p.*	*R a. p.*	*R a. p.*
1st Class Carriage	1 4 0	0 13 0	0 8 0	3 0 0	5 0 0
2nd ,,	0 12 0	0 6 0	0 6 0	2 0 0	3 0 0
3rd ,,	0 8 0	0 4 0	0 4 0	1 4 0	2 0 0

(1) No fare to be less than that prescribed for one hour.

(2) Drive from railway station to any place within municipal limits to be considered equal to a first hour's fare, and to be paid for accordingly.

(3) To enable a person hiring to obtain the benefit of the decreased rate of charge, it is necessary that the hiring should be continuous.

By Order,
W. H. C. WYLLIE,
1st Asst. to the Chief Commr.

CHIEF COMMISSIONER OF COORG.

NOTIFICATIONS.

Bangalore, the 1st July 1884.

No. 7.—N. Monnappa, Subedar of the Yedenalknad Taluk, is granted fifteen days' privilege leave under Section 138 of the Civil Leave Code, from the 1st July 1884, or from such date as he may avail himself of it.

2. Ballachandra Belliappa, Parputtigar of Yedenalknad, is appointed to act as Subedar and 3rd Class Magistrate of the Yedenalknad Taluk, in addition to his own duties, during the absence of N. Monnappa on privilege leave, or until further orders.

No. 8.—M. Sitharamaiya is appointed to be Sub-Registrar of the Sub-District of Yedenalknad under Section 6 of Act III of 1877, and he relieved the Subedar of the Yedenalknad Taluk of the Office of Sub-Registrar on the forenoon of the 2nd June 1884.

By Order,
H. WYLIE, *Major*,
Secretary to the Chief Commr. of Coorg.

CEMETERY NOTICE.

Under Rule XII of the Notification of the Government of India, in the Home Department, No. 421, of the 12th December 1877, it is hereby notified that the following monuments in the Lower Circular Road Cemetery, Calcutta, are in a ruinous condition and will be levelled with the ground unless the owners thereof, or the relatives or friends of the deceased, arrange for their repair at once:—

Hewick, Caroline.
Copeland, Robert.
Little, W. H.
Constable, infant child of Major.
White, William.
Mandall, James.
Paxton, Thomas.
Burroughs, Jeremy.
Black, John.
Byrne, F. H.
Ashworth, James.
Dodds, Henry.
Stone, H.
Cogan, Arabella.
Court, Horatio.
Lamborn, C. W.
Pratt, Frank.
Rollo, C. E.
Northam, Anne.
Sinclair, William.
Ricketts, Caroline.
Ratsey, Eleandra.
Schruder, Daniel.
Faris, Sarah Julia.
Hawkins, John Henry.
Beatson, William H.
Gilbert, Charles.
McCann, Elizabeth.

By Order,
J. A. C. MEAME,
Secretary, Burial Board.

***STATEMENT** of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th June 1884.*

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans							4½ per cent. Loans				Transfer Loan of 1879, seven Shillings per cent. Portion.	5 per cent. Debenture Loan of 1867-68.	5 per cent. Loan of 1856-57.	GRAND TOTAL.
		Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	TOTAL.	Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	TOTAL.				
Balance of 15th June 1884	54,100	13,64,800	29,26,900	2,44,95,600	1,01,00,300	2,98,90,337	2,59,16,700	9,46,94,637	46,28,900	1,00,91,200	9,98,67,700	11,45,87,800	1,24,500	. .	56,200	20,95,17,237
Add—																
Amount enfaced at Madras between 16th and 30th June 1884	. .	7,466	. . .	. . . .	1,900	15,000	35,000	59,266	. . . .	. . . .	. . . .	. . .	. . . .	. .	. . . .	59,266
Amount enfaced at Bombay between 16th and 30th June 1884	. .	. . .	. . .	4,400	. . . .	39,500	46,500	90,400	. . . .	38,000	1,68,500	2,06,500	. . . .	. .	. . . .	2,96,900
Amount enfaced at Calcutta between 16th and 30th June 1884	. .	. . .	3,700	58,300	8,000	85,500	4,500	1,60,000	. . . .	2,500	46,000	48,500	. . . .	. .	. . . .	2,08,500
	54,100	13,72,266	29,30,600	2,45,58,300	1,01,10,100	3,00,30,337	2,60,02,700	9,50,04,303	46,28,900	1,01,31,700	10,00,82,200	11,48,42,800	1,24,500	. .	56,200	21,00,81,903
Deduct—																
Amount written off in the London Registers	. .	37,760	1,000	2,68,100	1,13,100	1,79,200	1,03,300	7,02,460	20,100	40,000	1,23,500	1,83,600	. . . .	. .	. . . .	8,86,060
Balance on 30th June 1884	54,100	13,34,506	29,29,600	2,42,90,200	99,97,000	2,98,51,137	2,58,99,400	9,43,01,843	46,08,800	1,00,91,700	9,99,58,700	11,46,59,200	1,24,500	. .	56,200	20,91,95,843

NOTE.—From 9th June 1867 to 30th Apl. 1884, enfaced from India 4,953 lakhs; re-transferred from London 4,216 lakhs.
" 1st May 1884 to 15th May " " " 20 " " " 12 "
" 16th " " to 31st " " " " 13 " " " 13 "
" 1st June " to 15th June " " " 4 " " " 9 "
" 16th " " to 30th " " " " 4 " " " 8 "
4,993 lakhs. 4,258 lakhs.
4,258
Balance against India . 735 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 2nd July 1884.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 4th July 1884.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	April 1884	June 16, 1884
2	Port Blair	Do. "	Do. 17, "
3	Rajputana	Do. "	Do. 23, "
4	Central India	Do. "	Do. 24, "
5	Assam, Hydersbad (Imperial), Hurnai Road Command	Do. "	Do. 25, "
8	Hyderabad Assigned Districts.	Do. "	Do. 26, "
9	Coorg, Madras	Do. "	Do. 27, "
11	Bengal	Do. "	Apl. 28, "
12	Bombay, Central Provinces	Do. "	Do. 30, "
14	British Burmah	Do. "	July 1, "
15	North-Western Provinces and Oudh.	Mar. "	June 16, "
16	Military Works Branch	Do. "	Do. 17, "
	TELEGRAPH.		
1	Indo-European Telegraph	Mar. 1884	May 30, 1884
2	Indian Telegraph	Do. "	June 11, "

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	April 1884	June 19, 1884
2	Rajputana	Do. "	Do. 24, "
3, 4	Bengal, Madras	Do. "	Do. 27, "
5	Bombay	Do. "	Do. 30, "
6	British Burmah	Do. "	July 1, "
7	North-Western Provinces and Oudh.—	Do. "	June 12, "
	GUARANTEED RAILWAYS.		
1	State Rys., Stores	April 1884	June 14, 1884
2	Punjab	Do. "	Do. 16, "
3	Madras	Do. "	Do. 27, "
4	Bombay, Bengal	Do. "	Do. 30, "
6	North-Western Provinces and Oudh.	Mar. "	Do. 10, "

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Umritsar-Pathankote	May 1884	July 3, 1884
2	State Rys., Stores	April "	June 14, "
3	Patna & Gya	Do. "	Do. 16, "
4	Assam Rys. Surveys, Nalhati	Do. "	Do. 17, "
6	Bengal Central	Do. "	Do. 19, "
7	Bhopal	Do. "	Do. 21, "
8	Indus Valley, Kandahar, Punjab Northern, Rewari-Ferozepur, Sindia, Bengal & North-Western, Jhansi-Manickpur	Do. "	Do. 23, "
13	N.-W. P. & Oudh Light Surveys, Wardha Coal	Do. "	Do. 24, "
17	Nagpur-Chhattisgarh, Tirhoot	Do. "	Do. 25, "
19	Cuddapah-Nellore, Bellary-Kistna	Do. "	Do. 26, "
20	Calcutta & South-Eastern, Dacca & Mymensing, Madras Ry. Surveys	Do. "	Do. 27, "
24	Bengal Ry. Administrative Charges, Holkar, Kawnia-Dharla, Northern Bengal, Ranaghat-Bhagwangola, Rajputana-Malwa	Do. "	Do. 30, "
30	British Burmah Rys., Southern Mahratta	Do. "	July 1, "
32	N.-W. P. & Oudh Subsidized.	Do. "	May 26, "
33	Kokilamakh, Sultanpur-Bogra	Mar. "	Do. 27, "
35	Behar-Assam	Do. "	Do. 28, "
36	Bombay Ry. Surveys	Do. "	June 4, "
37	East Indian	Do. "	Do. 10, "
38	Bengal Ry. Surveys	Do. "	Do. 11, "
39	N.-W. P. & Oudh Provincial Rys.	Do. "	Do. 28, "
40	Cawnpore-Achnera	Do. "	Do. 30, "
41	Chittagong-Dacodkandy	Feb. "	Apl. 28, "

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Bhopal	April 1884	June 21, 1884
2	Punjab Northern, Wardha Coal	Do. "	Do. 23, "
4	Cawnpore-Achnera, Nagpur-Chhattisgarh	Do. "	Do. 24, "
6	Indus Valley, Nalhati	Do. "	Do. 25, "
8	Southern Mahratta	Do. "	Do. 26, "
9	Calcutta & South-Eastern, Northern Bengal	Do. "	Do. 27, "
11	Tirhoot	Do. "	Do. 28, "
12	Kawnia-Dharla	Do. "	Do. 29, "
13	Rajputana-Malwa, Rewari-Ferozepur	Do. "	Do. 30, "
15	British Burmah	Do. "	July 1, "
16	East Indian	Mar. "	June 10, "
17	Dhond & Manmad (quarterly.)	Dec. 1883	Mar. 24, "
18	Ghazipur-Dildarnagar (quarterly.)	Do. "	Apl. 9, "
19	Sindia (quarterly)	Do. "	May 5, "
	FOREIGN RAILWAYS.		
1	Bhavnagar-Gondal	April 1884	June 24, 1884
2	Nizam's	Do. "	Do. 26, "
3	Berar	Mar. "	May 26, "

Simla, the 5th July 1884.

A. FILGATE, *Lieut.-Colonel, R.E.,*
Accountant General, P. W. Dept.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 2nd July 1884.

No. 34.—Captain G. D'A. Jackson, Executive Engineer, 3rd Grade, on being relieved of the charge of the Sialkot Division, Military Works, by Colonel G. Newmarch, R.E., Executive Engineer, is transferred for temporary duty to the Meerut Command, Military Works, during the absence of Captain S. Grant, R.E., Executive Engineer, Bareilly Division, on privilege leave.

No. 35.—Captain R. Carlow, R.E., Executive Engineer, 4th Grade, on expiry of the three months' language leave granted to him in Inspector General's Notification No. 27, dated 8th May 1884, is transferred from the Sirhind and Lahore Command, Military Works, to the Presidency-Oudh Command, Military Works, but is temporarily posted to the Meerut Command to fill a temporary vacancy.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

Rawalpindi Command.

Rawalpindi, the 7th July 1884.

No. 2009.—This Office Notification No. 1745, dated 11th June 1884, granting three months' language leave to Captain H. B. Rich, R.E., Assistant Engineer, 1st Grade, is hereby cancelled.

G. DEPALEZIEUX-FALCONNET, *Colonel, R.E.,*
Supdg. Engineer, Rawalpindi Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 1st July 1884.

No. 34.—Mr. F. Reilly, Assistant Engineer, 1st Grade, has passed the Departmental Standard Examination in Hindustani.

No. 35.—Mr. C. Pratt, Assistant Engineer, 3rd Grade, has passed the Departmental Standard Examination in Hindustani.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

RAJPUTANA-MALWA RAILWAY.
(Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATION.

Ajmere, the 2nd July 1884.

No. 9.—Mr. C. J. Keene, Deputy Traffic Superintendent in Class II of the State Railway Superior Revenue Establishment, is granted fifteen months' leave out of India on medical certificate and ten days' subsidiary leave, with effect from the 10th July 1884, or such subsequent date as he may avail himself of it.

H. DANGERFIELD,
Offg. Manager.

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

Date.	Silver tendered, estimated value.	Certificates issued on: General Treasury.	Certificates issued on: Currency Department.	Balance of Bullion: Under Assay.	Balance of Bullion: Assayed.	Balance of Bullion: Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
June 30	. . .	. . .	27	1,31,567	80,61,359	63,37,739
July 1	. . .	. . .	. . .	1,22,563	80,61,359	63,37,739
„ 2	. . .	. . .	4,213	1,18,582	80,61,359	63,42,043
„ 3	. . .	. . .	1,25,931	194	81,80,992	64,70,676
„ 4	1,306	. . .	. . .	1,500	81,80,992	64,70,676
„ 5	. . .	. . .	. . .	1,500	81,80,992	64,70,676

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 7th July 1884.

CURRENCY NOTES.

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

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
6	. D 17—48497	50	Lala Parshadi Lal, Aligarh.
	„ —72704	50	

ALLAHABAD,
The 9th July 1884.

H. J. BRERETON,
Assistant Accountant General, in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
88	. P 40—06276	50	Babu Jogendranath Mukerjee, Merchant, Bankipore.
	„ —06277	50	
89	. R 9—55496	100	Babu Nilmony Mitter.
90	. P 45—80115	500	Mohamed Ali.
91	. P 39—60031	50	Mr. A. W. Christiana.

CALCUTTA,
The 11th July 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
7	. E 20—68607	100	The District Superintendent of Police, Burdwan.

LAHORE,
The 5th July 1884.

W. H. EGERTON,
for *Depy. Commr. of Paper Currency.*

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 10th July 1884.

Abbott, John Horace.
Agent, American Colonization Society.
Arganath, Dr.
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Vaz, Richard.
Virtes.
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Williamson, W. F.
Zenzins, U.

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Bisnee, S. R.
Fernandez, G. W.
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Greenberg, Marie.
Jacob, Miss S.
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Creak, Mrs.
Dey, Nebaran Chunder.
Drew, Mrs.
Fowler, J. E.
Hickman, A., M.D.
Marsh, E.
Mitchell, Mrs. R.
Nation, Miss.
Nedham, E. M.
Rai, Krishna Chunder.
Read, G. H.
Sullivan, D. O., M.D.
Wargan, J.

Calcutta, the 12th July 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Foreign Mails *vid* Bombay	12th July	From Bombay.*
Rangoon, Nagapatam, Galle and Colombo	14th „	Private Str. *Shahjehun.*
Madras and Ceylon	23rd „	P. & O. Str. *Mirzapore.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	22nd „	From Bombay.
Foreign Mails *vid* Bombay	19th „	From Bombay.†
Do. Book Post and Pattern Packets	18th „	From Bombay.
Rangoon and Moulmein	16th „	Str. *Pemba.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	16th „	Str. *Coconada.*
Madras, Ceylon, Batavia, Singapore, and China	14th „	French Str. *Tibre.*
Straits and Hong-Kong	18th „	Strs. *Wingsang & Japan.*

* Also for Cape of Good Hope *vid* England; also *vid* Aden for Zanzibar, Mozambique, Delagoa Bay and Natal can be forwarded.
† Also for Cape of Good Hope *vid* England; also a supplemental despatch *vid* Aden for Zanzibar, Mozambique, Delagoa Bay and Natal can be forwarded.

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Offg. Presidency Post Master.

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اور عوام‌الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه ،

يهه دوا کلکتّه کے بڑے بڑے ولايتي اور ديسي دوا خانونمين بکتي هی ماسواے قيمت مذکورهٔ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا باره آنه ،

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Rules for the Guidance of Officers in the Opium Department. *Published by authority of the Board of Revenue, Lower Provinces. Price, R3; postage, 2 annas.*

Bengali Translation of the Revised Salt Manual. *Price, 4 annas; postage, 6 pies.*

Civil Suits, 1880. Published by the authority of the Board of Revenue, Lower Provinces. *Price, 2 annas; packing and postage, 1 anna.*

Rules under the Cess Act, No. IX (B.C.) of 1880. *Price, R1-8; postage, 2 annas.*

The Bengal Pilots' Code of Signals, revised, enlarged, and arranged for use with three Geometrical Shapes in combination with the eighteen International Code Flags (on the plan of the Trinity Light-house Code), intended as a Supplement to the International Code of Signals. Also Calm or Line of Wind Signals; made with the above three shapes only. Concluding with the Morse Flashing Signals. Compiled by S. B. ELSON, Licensed Master Pilot, Bengal Pilot Service. Published by authority of the Government of Bengal. *Price, R3; postage, 2 annas and 6 pies.*

The Bengal Embankment Manual: containing an account of the action of the Government in dealing with Embankments and Water-courses since the Permanent Settlement; a discussion of the principles of the Act of 1873; a reprint of the Act itself, with notes and appendices describing the present condition of Embankments under State control in Bengal, and the chief controversies concerning them. By HENRY LELAND HARRISON, B.A., C.S., late Mathematical Junior Student of Christ Church, Oxford. *Price, R2; with map, R3-4.*

The Factories' Act, XV of 1881, with Rules and Forms. *Price, 2 annas and 6 pies; packing and postage, ½ anna.*

Bengali Translations of the Rules and Notifications under the Arms Act issued by the Governments of India and Bengal. *Price, 2 annas; packing and postage, 1 anna.*

Hindi Translation of the Rules and Notifications under the Indian Arms Act, 1878. *Price, As. 8; packing and postage, 1 anna.*

Urya ditto ditto. *Price, As. 2; packing and postage, 1 anna.*

Urdu ditto ditto. *Price, As. 2; packing and postage, 1 anna.*

Rules under the Inland Emigration Act, I of 1882. *Price, 8 annas; packing and postage, 3 annas.*

Annual Report on Inland Emigration for 1880-81. *Price, R1 per copy; packing and postage, 8 annas.*

Ditto ditto ditto for 1882. *Price, R1 per copy; packing and postage, 8 annas.*

Papers regarding the Tea Industry in Bengal. *Price, R3; postage, 3 annas.*

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. GAMBLE, M.A., Assistant Conservator of Forests, Bengal. *Price, R1-8; postage, 1 anna.*

Report on the Census of Calcutta and its Suburbs, 1881. *Price R4; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1882-83. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1881-82. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1879-80. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1878-79. Published by the Government of Bengal. *Price, R6; postage, 6 annas.*

Report on the Internal Trade of Bengal for the year 1877-78. Published by the Government of Bengal. *Price, R3-8; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, R5; Colored Map, R3-8.*

Report on the Cultivation of, and Trade in, Ganja in Bengal. By HEM CHUNDER KERR, Deputy Collector, on special duty. *Price, R1-8; postage, 2 annas.*

Report on the Cultivation of, and Trade in, Jute in Bengal, and on Indian Fibres available for the Manufacture of Paper; with Map. By HEM CHUNDER KERR, Deputy Magistrate, on special duty. *Price, R8; postage, 7 annas.*

Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MACDONNELL, of the Bengal Civil Service. *Price, R3-8; postage, 6 annas.*

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, R2; packing and postage, 3 annas.*

Report on the Census of Bengal, 1872. By H. BEVERLEY, Esq., C.S., Registrar-General of Bengal. *Price, R10; postage, 9 annas.*

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, R3; postage, 4 annas.*

Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, R2-4; packing and postage, 4 annas.*

A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. WESTLAND, Esq., C.S., late Magistrate and Collector of Jessore. *Price, R3; postage, 8 annas.*

The Bengal Administration Report for 1882-83. *Price, R6; packing and postage, 14 annas.*

The Bengal Administration Report for 1881-82. *Price, R6; packing and postage, 10 annas.*

The Bengal Administration Report for 1879-80. *Price, R6; packing and postage, 10 annas.*

The Bengal Administration Report for 1878-79. *Price, R6; packing and postage, 8 annas.*

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The Bengal Administration Report for 1874-75. *Price, R4-8; postage, 7 annas.*

Map of Bengal, 1874-75. *Price, if taken with the Report, R1; separately, price, R2; postage, 2 annas.*

The Bengal Administration Report for 1873-74. *Price, R4; postage, 5 annas.*

The Bengal Administration Report for 1872-73. *Price, R7-8; postage, 10 annas.*

Map of Bengal, 1873. *Price, if taken with the Report, R1; separately, price, R2; postage, 3 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, R3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, R1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

Vol.	I.	24-Pergunnahs and Sundarbans.
Vol.	II.	Nadiya and Jessore.
Vol.	III.	Midnapur, Hugli and Howrah.
Vol.	IV.	Bardwan, Bankura and Birbhum.
Vol.	V.	Dacca, Bakarganj, Faridpur and Maimansing.
Vol.	VI.	Chittagong Hill Tracts, Chittagong, Noakhali, Tipperah and Hill Tipperah.
Vol.	VII.	Maldah, Rangpur and Dinagepur.
Vol.	VIII.	Rajshahi and Bogra.
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Vol.	XII.	Gaya and Shahabad.
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Vol.	XX.	Fisheries and Botany of Bengal, with General Index.
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Price, per volume, R4; postage, 5 annas.

Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Dinapore. *Price, 8 annas per copy; packing and postage, 2 annas.*

Buddha Gayá, the Hermitage of Sákya Muni. By Rájendralála Mitra, LL.D., C.I.E., Honorary Member of the Royal Asiatic Society of Great Britain and Ireland, and of the Physical Class of the Imperial Academy of Sciences, Vienna; Corresponding Member of the German and of the American Oriental Societies; of the Royal Academy of Science, Hungary, and of the Ethnological Society of Berlin; Fellow of the Royal Society of Northern Antiquaries, Copenhagen, &c., &c. *Price, R30; packing and postage, R1-4.*

Further Notes on the Rungpore Records, Vol. II. By E. G. GLAZIER, Esq., C.S., Officiating Magistrate and Collector, Rungpore. *Price, R1; postage, 2 annas.*

Selection of Papers regarding the Hill Tracts between Assam and Burma, and on the Upper Brahmapooter. *Price, R5; postage, 4 annas.*

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Progressive Colloquial Exercises in the Lushai Dialect of the Dzo or Kuki Language. With Vocabularies and Popular Tales (notated). By Captain THOMAS HERBERT LEWIN, B.S.C., Deputy Commissioner, Chittagong Hills. *Price, R6; postage, 8 annas.*

Notes on the History of Midnapore, as contained in records extant in the Collector's Office. By J. C. PRICE, Officiating Settlement Officer of Midnapore. Vol. I. *Price, R3; postage, 3 annas.*

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

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

Vol. I, bound in full cloth, lettered	R10 0 0
Vol. II, ditto ditto	„ 10 0 0
Single copies of monthly Nos.	„ 2 0 0

Annual Statement of the Sea-borne Trade and Navigation of the Bengal Presidency, and of its Chief Port and each of the Subordinate Ports, with Foreign Countries, for the official year 1875-76. Vol. I. *Price, R12; postage, 10 annas.*

Rules for the Examination of, and grant of Certificates of Competency to, Masters, Mates and Engineers. *Price, R1; postage, 1 anna.*

Abstract of the Rules of the Road at Sea, in English. *Price, R1-4; packing and postage, 1 anna 6 pies.*

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Sanitary Primers in English and in Bengali. *Price, R6 per hundred, including transit and packing charges; single copies, 1 anna each.*

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

West India Pilot, Vol. II . . . R5 0 0

☞ *Cash must be sent with order.*

Apply to Accountant, Bengal Secretariat, Writers' Buildings, Calcutta.

NOTICE.

The 9th February 1883.—The subscription to, and postage for, the *Calcutta Gazette* will henceforward be at the following rates, payable in advance:—

For the Mofussil.

	R	a.	p.	
Entire Gazette	15	0	0	per annum.
Postage	5	0	0	„
Supplement	6	0	0	„
Postage	3	0	0	„
Parts III, IV, V, and VI, containing the Acts and Bills of the Legislative Councils of India and Bengal	5	0	0	„
Postage	2	8	0	„
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Supplement	0	4	0	
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Postage	0	1	0	

For Calcutta.

The same rates as those for the mofussil, with the exception of the charge for postage.

E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 19, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 28th June 1884.

No. 17.—The services of the undermentioned Hospital Assistants of the military establishment are placed temporarily at the disposal of the Agent, Governor General, Rajputana:—

3rd Class, No. 206, Shoo Hurak.
„ „ „ 393, Burjore Mier.

J. M. CUNINGHAM, M.D.,
Surgeon-Genl. with the Govt. of India.

SURVEY OF INDIA.

NOTIFICATION.

Simla, the 10th July 1884.

No. 452.—Mr. E. S. P. Atkinson, Surveyor, 3rd Grade, attached to No. 8 or Mysore Topographical Survey Party, is granted privilege leave for two months and ten days, with effect from 1st July 1884, under Section 133 of the Civil Leave Code.

G. C. DuPREE, *Colonel,*
Actg. Surveyor General of India.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 7th July 1884.

No. 36.—Mr. G. P. Rose, Assistant Engineer, 1st Grade, passed the Lower Standard Examination in Hindustani on the 5th May 1884.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 10th July 1884.

Offices reported opened and closed during the month of June 1884:—

Name of Station.	Where situated.	Date.	Remarks.
Behar	Bengal Presdy.	10th	Opened.
Bishanpur	Ditto	1st	Ditto.
Bombay Grant Buildings.	Suburbs of Bombay.	30th	Closed.
Chandni Chowk or Fatehpuri Delhi.	Within the city of Delhi (Punjab).	6th	Opened.
Dera Ismail Khan (Cantonment).	Punjab	18th	Ditto.
Hooghly	Bengal Presdy.	23rd	Ditto.
Kishurpur	N.-W. Provinces.	2nd	Ditto.
Madhopur	Punjab	11th	Ditto.
Mahaban	N.-W. Provinces.	2nd	Ditto.
Mahableshwar	Bombay Presdy.	15th	Closed for season.
Matheran	Ditto	20th	Ditto.
Nutanganj (Burdwan).	Burdwan City	7th	Opened.
Panighatta	Bengal Presdy.	11th	Ditto.
Rungpur	Ditto	19th	Ditto.
Sangameshvar	Bombay Presdy.	9th	Ditto.
Sonamukhi	Bengal Presdy.	9th	Ditto.
Sudder Bazar (Delhi).	In the City of Delhi (Punjab).	6th	Ditto.
Vaubori	Bombay Presdy.	25th	Ditto.
	Railway.		
Surna	Sind Punjab and Delhi Railway.	7th	Opened.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

NORTHERN INDIA SALT REVENUE DEPARTMENT.

NOTIFICATIONS.

Agra, the 29th May 1884.

No. 110.—Mr. W. Synnott, Assistant Commissioner, Upper Division, Internal Branch, is granted one month's privilege leave under Sections 71 to 73 of the Civil Leave Code.

The 13th June 1884.

No. 4949.—Mr. W. Synnott, Assistant Commissioner, availed himself of the leave granted in Order No. 110, dated 29th May 1884, on the 12th June 1884, afternoon.

A. D. CAREY,
Commr., Northern India Salt Revenue.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 8th July 1884.

No. 552.—The Reverend J. D. Webb, Pastor, Methodist Episcopal Church, is licensed, under Section 6 of Act XV of 1872, to solemnize marriages, and, under Section 9 of the same Act, to grant certificates of marriage, between Native Christians in the Ajmere-Merwara District.

By Order,
W. H. C. WYLLIE,
1st Asst. to the Chief Commr.

IN THE COURT OF THE COMMISSIONER AND DISTRICT JUDGE, AJMERE-MERWARA.

INSOLVENCY OF ALLAHBELI, SON OF HASHIM KOONJRA, AND MUSSAMUT NORI, WIFE OF ALLAHBELI, RESIDENTS OF AJMERE.

Notice is hereby given that Allahbeli, son of Hashim Koonjra, and Mussamut Nori, wife of Allahbeli, residents of Ajmere, have been declared insolvent, and discharged by this Court, under the provision of Section 357, Act XIV of 1882 (Civil Procedure Code), and Sheikh Mahomed Bakhsh, Nazir of this Court, has been appointed to be a receiver of their property.

Given under my hand and the seal of the Court, this 10th day of July 1884.

L. S. SAUNDERS,
Commr. & Dist. Judge, Ajmere-Merwara.

CHIEF AND FINANCIAL COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 11th July 1884.

No. 573.—With reference to Government of India, Finance and Commerce Department, Notification No. 927, dated 19th February 1884, the Chief and Financial Commissioner prescribes the addition of the following rules relating to the renewal of damaged or spoiled stamps to the rules promulgated under his Notification No. 189, dated the 18th March 1882, and published in Part II of the *Gazette of India*, dated 25th idem:—

XVI. If any stamp or stamped paper purchased for use under the Court-fees Act is damaged or spoiled before being used, the Assistant Commissioner of Ajmere may, upon written application made to him within one year after its purchase, and on being satisfied that it was purchased for use and was accidentally spoiled or damaged, authorise a fresh stamp or stamped paper of the same value being given to the applicant. The spoiled stamp or stamped paper shall be taken back and returned to the Superintendent of Stamps at Calcutta.

XVII. A stamped paper shall be held to be damaged or spoiled within the meaning of Section 27, Clause C, when—

1. It shall by some accident, either before or after being written upon, have become stained, spoiled, torn, or otherwise rendered permanently unfit for use.
2. In consequence of some material error in the writing or copying of any writing, it has become of no avail.
3. The purpose intended to be effected thereby has been effected by some other instrument on which the proper fee has been duly paid.
4. Owing to death, or from some other cause, a transaction intended to be effected is not completed, and the writing becomes of no avail.
5. In consequence of any error or informality in the drawing up or in the signing of any writing on which the proper Court-fee Stamp has been duly affixed, and cancelled by any duly authorised Court or Officer, the writing is returned or rejected by the said Court or Officer to which it was sent or addressed, and the stamp has thereby become unfit for use.

By Order,
W. H. C. WYLLIE,
1st Asst. to the Chief and Financial Commr.

CEMETERY NOTICE.

Under Rule XII of the Notification of the Government of India, in the Home Department, No. 421, of the 12th December 1877, it is hereby notified that the following monuments in the Lower Circular Road Cemetery, Calcutta, are in a ruinous condition and will be levelled with the ground unless the owners thereof, or the relatives or friends of the deceased, arrange for their repair at once:—

Hewick, Caroline.	Court, Horatio.
Copeland, Robert.	Lamborn, C. W.
Little, W. H.	Pratt, Frank.
Constable, infant child of Major.	Rollo, C. E. Northam, Anne.
White, William.	Sinclair, William.
Mandall, James.	Ricketts, Caroline.
Paxton, Thomas.	Ratsey, Eleandra.
Burroughs, Jeremy.	Schruder, Daniel.
Black, John.	Faris, Sarah Julia.
Byrne, F H.	Hawkins, John Henry.
Ashworth, James.	Beatson, William H.
Dodds, Henry.	Gilbert, Charles.
Stone, H.	McCann, Elizabeth.
Cogan, Arabella.	

By Order,
J. A. C. MEAME,
Secretary, Burial Board.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATION.

Mount Abu, the 15th July 1884.

No. 2075G.—With reference to Foreign Department Notification No. 1298G., dated the 2nd July 1884, Lieutenant C. Herbert assumed charge of the Office of Assistant Agent to the Governor General, Rajputana, on the forenoon of the 9th July 1884.

By Order,
W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

GOVERNMENT SAVINGS BANK.

No. 1.

ANNUAL STATEMENT.

Abstract of Operations of the Government Savings Bank, from 1st April 1883 to 31st March 1884.

	R a. p.	R a. p.
Balance due to Depositors in 1882-83		33,24,667 9 7
Deposits in 1883-84	14,83,323 1 9	
Interest allowed to Depositors in 1883-84	1,13,576 10 9	15,96,899 12 6
TOTAL R		49,21,567 6 1
DEDUCT—		
Withdrawals in 1883-84	18,84,621 10 10	
Investment in Government Loans, 1883-84	1,13,024 7 7	19,77,646 2 5
Balance		29,43,921 3 8
LIABILITIES.		
Balance due to Depositors in 1883-84		29,43,921 3 8
ASSETS.		
Due by General Books		[illegible]
Interest allowed [illegible]	[illegible]	[illegible]

J. GORDON,
Depy. Secretary.

BANK OF BENGAL,
GOVT. SAVINGS BANK;
Calcutta, the 10th July 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 15th July 1884.

LIABILITIES.	R	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,59,436	4	4
Public Deposits at Head Office (R 85,89,799 0 4)	2,46,82,055	14	1
Public Deposits at Branches (1,60,92,256 13 9)			
Other Deposits at Head Office and Branches	2,04,80,247	4	8
Bank Post Bills, &c.	5,37,506	13	6
Sundries	16,38,016	11	6
RUPEES	7,11,37,263	0	1

ASSETS.	R	a.	p.
Government Securities	77,65,112	0	0
Other authorized Investments	42,16,450	0	0
Loans on Government and other authorized Securities	94,11,276	4	4
Accounts of Credit on Government and other authorized Securities	61,72,681	8	10
Bills discounted and purchased	1,72,45,301	11	10
Balances with other Banks	5,40,383	0	1
Bullion	2,180	0	0
Dead Stock	14,72,690	9	10
Stamps	5,804	1	0
Sundries	8,37,799	8	6
	4,75,58,378	9	7
Cash and Currency Notes at Head Office (88,91,826 6 0)	2,37,78,884	6	6
Cash and Currency Notes at Branches (1,48,87,058 0 6)			
RUPEES	7,11,37,263	0	1

BANK OF BENGAL,
Calcutta, 17th July 1884.

J. GORDON,
Chief Accnt. & Depy. Secretary.

Rate for Demand Loans 4 per cent.
Percentage 50·4.

By order of the Directors.
W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th July 1884.

PARTICULARS.	4 PER CENT. LOANS							3½ PER CENT. TRANSFER LOAN OF 1863-64.	5 PER CENT. DEBENTURE LOAN OF 1867-68.	5 PER CENT. LOAN OF 1866-67.	GRAND TOTAL.
	Of 1832-33.	Of 1835-36.	Of 1843-44.	Of 1854-55.	Transfer of 1866.	Reduced 4 per cent. Loan of 1870.	TOTAL.				
Balance of 30th June 1884	13,34,606	29,29,600	2,43,90,300	99,97,000	2,99,33,137	2,56,16,400	9,43,01,043	54,100		56,200	20,91,95,843
Add—											
Amount enfaced at Madras between 1st and 15th July 1884											
Amount enfaced at Bombay between 1st and 15th July 1884		3,500	19,900	8,500	35,100	7,000	74,000				1,44,500
Amount enfaced at Calcutta between 1st and 15th July 1884	2,847	4,900	2,64,000	24,400	96,800	13,000	4,24,547				4,92,047
	2,847	8,400	2,83,900	32,900	1,31,900	20,000	4,98,547				6,36,547
	13,37,453	29,38,000	2,46,74,200	1,00,29,900	3,00,65,037	2,56,36,400	9,48,00,390	54,100		56,200	20,98,32,390
Deduct—											
Amount written off in the London Register			86,200	31,500	92,800	87,000	6,97,000				6,97,000
Balance on 15th July 1884	13,36,653	29,38,000	2,45,87,900	99,98,400	2,99,72,237	2,55,49,400	9,41,13,390	54,100		56,200	20,91,45,390

NOTE.—From 9th June 1867 to 15th May 1884, enfaced from India 4,973 lakhs; re-transferred from London 4,223 lakhs.
" 16th May 1884 to 31st " " " 12 " " 13 "
" 1st June " to 15th June " " " 4 " " 9 "
" 16th " to 30th " " " 4 " " 8 "
" 1st July " to 15th July " " " 6 " " 6 "
4,999 lakhs. 4,264 lakhs.
Balance against India 735 lakhs.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 16th July 1884.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED OF		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
July 7	1,108	. . .	. . .	2,608	81,90,992	64,70,676
" 8	1,17,676	. . .	1,250	1,19,006	81,92,270	64,71,954
" 9	. . .	. . .	. . .	1,19,006	81,92,270	64,71,954
" 10	. . .	. . .	99	1,18,912	81,92,372	64,72,056
" 11	68,818	. . .	20	1,77,710	81,92,393	64,72,077
" 12	2,24,057	. . .	1,26,059	2,83,152	83,21,155	66,00,839

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 14th July 1884.

CURRENCY NOTES.

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

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
1884.		₹	
W29	. M75—53021 .	100	The Presidency Post Master, Madras.

BOMBAY,
The 8th July 1884.

R. A. STERNDALE,
Asst. Accti. Genl., Paper Currency Dept.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
93	. P 40—04615 .	50	Babu Kristo Gopal Banerjee, Pleader, Judge's Court, Chinsurah.
96	. P 45—27906 .	500	Mr. H. Church, care of Sergeant-Major Tilly, B. L. Horse, Mozufferpore.
"	—26777 .	500	

CALCUTTA,
The 18th July 1884.

J. TAYLOR.
Assistant Comptroller General, in charge, Paper Currency.

Calicut Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	₹	
J 10—90636 .	100	Ibrahim Baig, Cloth Merchant, Cannanore.
" —90637 .	100	
" —90638 .	100	
" —90639 .	100	

CALICUT,
The 10th July 1884.

B. C. LEGGATT,
Deputy Collr., in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Simla, the 9th July 1884.

No. 4347.—Mr. C. H. Watts is appointed to officiate as a 3rd Class Mail Officer.

P. SHERIDAN,
for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 17th July 1884.

Bond, C. W.
Dalgarnow, Mr.
Davenay, P. B.
Ellis, W. M.
Finchett, W. A.
Foster, Dr. C. W. E.
Heimann, Del, A.
Henslowe, F. B.
Heriot, Maitland.
Kirkpatrick, H. C.
Leslie, Mrs. E.
Luther, Robert.
Maria, Louis.
Michell, W.
Nelson, Will.
Porter, W. J.
Rowe, C. E.
Ruddock, E. B. & Co.
Stephen, A. & Co.

Letters marked "Care of Post Office."

A. B. C.
A. V.
"Admirer."
"Agency House."
Alice, Mrs.
Anderson, Hubert.
Andrews, J.
Baggs, W. H.
Bell, William.
Bernon, T.
Bezbaron, G.
Bowen, Mrs. M. A.
Braunstein, N.
Brincat, Salvator.
Britton, M.
Chapman, Frank.
Cherkis, Hersh.
Chisholm, J.
Clark, W. H.
Crolly, Austin.
DeBretton, Mrs.
Douglas, E. G.
E. B.
Farrow, Mrs. E.
Ferrell, J. B.
Fleming, Miss.
Freese, G.
Gabriel, J.
Geddard, George J.
Gildemor, W.
Glasson, J. St. Clair.
Goddard, G.
Godfrey, Miss T.
Graham, R. W.
Greenfield, A. J.
H. C.
H. M. W.
Hennis, W.
Hole, W. L.
Howe, James E.
Huddlesson, S. E.
Issac, Margaret.
Jackson, J. A.
Johnston, R. T.
Jones, Frank M.
K. M. W.
Kuap, L.
Lebarbier, Monsieur.
Lister, S. Cunliffe.
Livingston, Archibald.
Lockhart, G.
Lynum, R.
MacIntyre, Alfred H.
Mackinnon, T. A. B.
Matson, E.
Mawson, J. R.
"Merchant."
Milner, R.
Morier, W.
Mylac, F.
Nigomar, Victor.
Parker, F. W.
Paul, Crawford.
Phœnix, J.
Piot, Monsieur.
Reynolds, Charles.
Robinson, Ellen.
Roda, Augusto.
Rodgers, Paul.
Rono, T.
Rubeta, Manuel G.
Sadler, W.
Selous, Edmund.
Shuttleworth, Major.
Smith, J. B.
Spencer, Mrs.
Steward, Yorke.
Tabone, Giovanni.
Thomas, D.
Tod, Peter.
Vaz, Richard.
Virtes.
Waller, G.
Wasserman, Laser.
Williams, Mostyn.
Williamson, W. F.
Wilmson, H.
Wortley, E. A
W. W.
X. Z. G.
Zenzins, U.

Registered Letters.

Allis, W. A.
Bianco, S. B.
Bristol.
Greenberg, Frederick.
Greenberg, Marie.
Hebbinton, Fetton.
Hooke, Mrs. A. H.
Robinson, J. C. S.
Rustomjee, S.
Thompson, G. A. M.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 7th July 1884.

Cadd, A.
Creak, Mrs.
Dey, Nebaran Chunder.
Drew, Mrs.
Fowler, J. E.
Hickman, A., M.D.
Marsh, E.
Mitchell, Mrs. E.
Nation, Miss.
Nedham, E. M.
Rai, Krishna Chunder.
Read, G. H.
Sullivan, D. O., M.D.
Wargan, J.

A. P. JHOSAL,
Postmaster, Barrackpore.

Calcutta, the 19th July 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Foreign Mails *vid* Bombay	19th July	From Bombay.*
Madras and Ceylon	22nd "	P. & O. Str. *Ripon.*
Colombo, Penang, Singapore, Hong Kong, Shanghai, Yokohama, and Australian Colonies	22nd "	From Bombay.
Foreign Mails *vid* Bombay	26th "	From Bombay.†
Do. Book Post and Pattern Packets .	25th "	From Bombay.
Rangoon and Moulmein	23rd "	Str. Goa.
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	23rd "	Str. *Makratta.*

* Also for Cape Colonies through United Kingdom; also *vid* Aden for Mozambique, Delagoa Bay, Cape Colonies, Lamoo, Mombaza, Zanzibar, Kilwakivinjee, Lindee, &c., can be forwarded.
† Also for Cape Colonies through United Kingdom; also *vid* Aden for Mauritius, Mahe (Seychelles), Mayottee, Nossi Be, and Reunion can be forwarded.
N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

E. HUTTON,
Presidency Post Master.

GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Gardens, Calcutta, *for cash only*, at the following rates:—per four ounce tin *R4-8*; per eight ounce tin, *R8-8*; per pound tin, *R16-8*. The general public can be supplied by the Superintendent, Botanical Gardens, *for cash only*, at the under-noted rates:—per four ounce tin, *R5-8*; per eight ounce tin, *R10-8*; per pound tin, *R20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage, 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

گورنمنٹ سنکونا فبري فيوج

يهه دوا کونينائين کا خوب قائم مقام هی اور کلکته کے بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اوسکے جو کوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب ذيل خريد کرسکتے هيں يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سولہ روپيه آٹهه آنه '

اور عوام الناس بوٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه '

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دوا خانونمين بکتي هی ماسوائے قيمت مذکورۂ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا بارہ آنه '

CRYSTALLINE CINCHONA FEBRIFUGE.

A new and improved preparation made at the Government Factory from Red Cinchona Bark. This is a more perfect substitute for Quinine than the ordinary uncrystallised Febrifuge. It can be purchased by Government Officers for public and charitable purposes, and by any one taking twenty pounds and upwards at a time, from the Superintendent, Botanic Garden, Calcutta, for cash only, at the rate of *R24* per pound. The general public can be supplied by the Superintendent, Botanic Garden, for cash only, and also by the principal European and Native Druggists at *R32* per pound. Postage twelve annas extra.

شفاف سنکونا فبريفيوج - يعنے تپ کي دوا

سرکاري کارخانه مين سرخ سنکونا کي چهال سے ايک نئي اور اصلاح کي هوئي دوا ے ترکيب تيار کي گئي هی - کونيائين کے عوض مين يهه دوا بهه نسبت معمولي غير صاف کيئے هوئے فبريفيوج کے زيادہ تر بے نقص هی - يهه دوا عهدهداران سرکار عام خلايق اور خيراتي کامون کے ليئے اور هر شخص جو بيس پونڈ يا اوس سے زيادہ ايک وقت پر لے بوٹانک گارڈن معروف کہ کمپني باغ کلکتہ کے صاحب سوپرنٹنڈنٹ سے صرف نقد قيمت پر بحساب ۴۲ روپی في پونڈ خريد کر سکتا هی - اور جمله خاص و عام کو صاحب سوپرنٹنڈنٹ بوٹانک گارڈن سے صرف انقد قيمت پر اور بڑے بڑے ولايتي اور ديسي دوا فروشون سے بهي بہ قيمت ۳۲ روپی في پونڈ مل سکتي هی - مگر محصول ڈاک بارہ آنه علاوہ هی '

Meteorological Publications for Sale.

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

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages	1	8	0
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates	1	8	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	0	8	0
Rainfall Map of India (in 2 sheets, scale 64 miles to the inch) showing the average annual distribution of rainfall (in colours)	3	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates	2	0	0
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates	2	8	0
Register of the Original Observations of the six stations in India for 1879, reduced and corrected	2	8	0
Register of the Original Observations of the six stations in India for 1880, reduced and corrected	2	8	0

Register of the Original Observations of the six stations in India for 1881, reduced and corrected	2	8	0
Register of the Original Observations of the six stations in India for 1882, reduced and corrected	2	8	0

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, appear in monthly parts, published as soon as possible after the first of each month, at Calcutta, Madras, Bombay, and Allahabad, and comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court are reported in the series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court are reported in the Calcutta Series.

The Calcutta Series is distributed by the Bengal Secretariat; the copies for subscribers registered by Messrs. Thacker, Spink & Co., are distributed by that firm; and the Madras, Bombay and Allahabad Series are distributed direct from Madras, Bombay, and Allahabad respectively.

On and from the 1st January, 1884, the terms of subscription and sale will be reduced as follow:—

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For the Calcutta Series	R10 0	R12 8
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Orders and subscriptions for 1884 should be at once remitted.

NOTICE.

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To Government Officers (except those mentioned below) and to the public at large, *R4*.
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Apply to the Superintendent, Commissioner's Office, Ajmer.

☛ The following books may be purchased from the Office of Superintendent of Government Printing, India, No. 166, Dhurrumtollah Street, for private use only, which should be stated in the requisition.

No orders can be attended to unless accompanied by a remittance. When postage stamps are forwarded, one anna additional should be sent for every Rupee's worth of stamps, for discount in exchanging them for cash. Service labels or Court Fee stamps are not received.

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FOR SALE.

Sixth Edition.

Codes of the Financial Department, Pension, Leave and Acting Allowance Codes, bound in one volume. *Price, R3-8; packing and postage, 6 annas.*

A Hand-Book of Bee-keeping for India, by J. C. DOUGLAS, Government Telegraph Department. To be had at Government Central Press, Calcutta; Messrs. Thacker, Spink & Co., Calcutta; Messrs. Newman & Co, Calcutta; Messrs. Cooper, Madon & Co., Bombay; and Messrs. Higginbotham & Co., Madras. *Price, R1-4; packing and postage, 2 annas.*

New Edition.

General Rules and Circular Orders of the High Court (Criminal). *Price, R2; packing and postage, 4 annas.*

Second Report of the Curator of Ancient Monuments in India, for 1882-83. *Price, R2; packing and postage, 4 annas.*

Royal 8vo. cloth boards.

History of the Relations of the Government with the Hill Tribes of the North-East Frontier of Bengal. By ALEXANDER MACKENZIE, of the Bengal Civil Service; Secretary to the Government of India in the Home Department; and formerly Under-Secretary and Secretary to the Government of Bengal. *Price R5; packing and postage, 8 annas.*

Report of the Indian Education Commission, with Appendices and Statistical Tables. *Price, R5; packing and postage, R1.*

Army List.

New Number, just published.

The Official Quarterly Bengal Amy List, corrected up to 30th June 1884.

☞ *From January 1881 the price of the Army List has been reduced to 1 Rupee per copy; packing and postage, 6 annas.*

Statistics of population of the Indian Empire, collected at the Census of 1881, Vol. II. *Price, R2-8; packing and postage, 8 annas, extra.*

Statistics of British-born subjects recorded at the Census of India, 17th February 1881. *Price, annas 8; packing and postage, 1 anna 6 pie, extra.*

Statistics of population in the Andamans, 17th February 1881. *Price, 8 annas; packing and postage, 1 anna 6 pie, extra.*

Pack Gear for Elephants. B. G. P. SANDERSON, Superintendent of Kheddahs, Dacca. *Price, R1; packing and postage, 2 annas.*

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To all Officers employed in Government departments who are in receipt of salaries under R500 per mensem, on a certificate being furnished declaring that the book is to be purchased only for the personal use of the officer, *R3; packing and postage, 6 annas.*

Transport Regulations, Part I.

Transport of Troops by Sea. *Price, R2-8; packing and postage, 4 annas.*

Transport Regulations, Part II.

Transport of Troops, Inland. *Price, R2-8; packing and postage, 4 annas.*

New Number, just published.

Public Works Department Classified List and Distribution Return of Establishment, corrected up to 30th June 1884. *Price R2; packing and postage, 4 annas.*

Preliminary Administration Report on the Railways in India for 1882-83 by Colonel F. S. STANTON, R.E., Director General of Railways. *Price, R1; packing and postage, 3 annas.*

The Report of the Rent Law Commission, with draft of Bill to amend the Law of Landlord and Tenant in Bengal, in two volumes. *Price, R3; packing and postage, 12 annas.*

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Correspondence between the Government of India and the Secretary of State regarding the proposed amendment. *Price, annas 8; packing and postage, 4 annas.*

The Bengal Tenancy Bill, with annexures. *Price, annas 4; packing and postage, 3 annas.*

☞ *The above to be had at the Office of Superintendent of Government Printing, India, 166, Dhurrumtollah Street, Calcutta.*

A Manual of Tibetan, being a Guide to the Colloquial Speech of Tibet, in a Series of Progressive Exercises, by Major T. H. Lewin, F.R.G.S., of the Bengal Staff Corps, late Deputy Commissioner of Darjeeling. *Price, R6; postage, 3 annas.*

Copies are to be had at the Office of the Director of Public Instruction.

Examination Paper for Station Masters, Goods Clerks, Booking Clerks, Guards, Signallers, and menials employed on State Railways, by Mr. G. S. LEONARD, Traffic Superintendent, Northern Bengal State Railway. *Price, 8 annas; packing and postage, 2 annas.* To be had on application from the Manager, Northern Bengal State Railway, Saidpore.

Publications for Sale at the Bengal Secretariat Press.

Code of Regulations for European Schools in Bengal for 1884-85. *Price, R1; packing and postage, 1 anna 6 pie.*

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Packing and postage	0	3	6

Abstract of the Rules of the Road at Sea in Tamil. *Price, R1; postage, 1 anna and 6 pies.*

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Distribution Return of Officers and Subordinates employed under District Road Cess Committees. Corrected up to 1st January 1884. *Price, 2 annas; postage, ½ anna.*

List of Officers of the Public Works Department, Bengal. Corrected up to 1st January 1884. *Price, 6 annas; postage, 1 anna 6 pies.*

The Quarterly Civil List. Corrected up to 1st April 1884. *Price, R3; postage, 4 annas.*

Reprint of the Report of the Rent Law Commission, with the draft of a Bill to consolidate and amend the law of Landlord and Tenant in Bengal. Vols. I and II. *Price, R3-8; packing and postage, 9 annas.*

Rules for the Guidance of Officers engaged in the Administration of the Salt Department. *Price, R1-4; packing and postage, 8 annas.*

Board's Rules, or Rules for the guidance of Officers engaged in the administration of the Revenue Department in the Lower Provinces of Bengal. Revised edition, Vol. I. *Price, R4; postage, 5 annas: interleaved copy, R6; postage, 8 annas.*

Ditto ditto, Vol. II. *Price, R3; postage, 5 annas: interleaved copy, R3-8; postage, 8 annas.*

☞ *Printed slips containing alterations and additions will be available to purchasers monthly, at R2 per annum, including postage.*

Rules for the Lease of Waste Lands in Bengal, May 1880. Published by the authority of the Board of Revenue, Lower Provinces. *Price, 8 annas; packing and postage, 2 annas.*

Rules for the Guidance of Officers in the Opium Department. *Published by authority of the Board of Revenue, Lower Provinces. Price, R3; postage, 2 annas.*

Bengali Translation of the Revised Salt Manual. *Price, 4 annas; postage, 6 pies.*

Civil Suits, 1880. Published by the authority of the Board of Revenue, Lower Provinces. *Price, 2 annas; packing and postage, 1 anna.*

Rules under the Cess Act, No. IX (B.C.) of 1880. *Price, R1-8; postage, 2 annas.*

The Bengal Pilots' Code of Signals, revised, enlarged, and arranged for use with three Geometrical Shapes in combination with the eighteen International Code Flags (on the plan of the Trinity Light-house Code), intended as a Supplement to the International Code of Signals. Also Calm or Line of Wind Signals; made with the above three shapes only. Concluding with the Morse Flashing Signals. Compiled by S. R. ELSON, Licensed Master Pilot, Bengal Pilot Service. Published by authority of the Government of Bengal. *Price, R3; postage, 2 annas and 6 pies.*

The Bengal Embankment Manual: containing an account of the action of the Government in dealing with Embankments and Water-courses since the Permanent Settlement; a discussion of the principles of the Act of 1873; a reprint of the Act itself, with notes and appendices describing the present condition of Embankments under State control in Bengal, and the chief controversies concerning them. By HENRY LELAND HARRISON, B.A., C.S., late Mathematical Junior Student of Christ Church, Oxford. *Price, R3; with map, R3-4.*

The Factories' Act, XV of 1881, with Rules and Forms. *Price, 2 annas and 6 pies; packing and postage, ½ anna.*

Bengali Translations of the Rules and Notifications under the Indian Arms Act, 1878, issued by the Governments of India and Bengal. *Price, 8 annas; packing and postage, 1 anna.*

Hindi Translation of the Rules and Notifications under the Indian Arms Act, 1878. *Price, As. 2; packing and postage, 1 anna.*

Urya ditto ditto. *Price, As. 2; packing and postage, 1 anna.*

Urdu ditto ditto. *Price, As. 2; packing and postage, 1 anna.*

Rules under the Inland Emigration Act, I of 1882. *Price, 8 annas; packing and postage, 8 annas.*

Annual Report on Inland Emigration for 1880-81. *Price, R1 per copy; packing and postage, 8 annas.*

Ditto ditto ditto for 1882. *Price, R1 per copy; packing and postage, 8 annas.*

Papers regarding the Tea Industry in Bengal. *Price, R1-8; postage, 3 annas.*

List of [illegible] Climbers found in the Darjeeling District, Bengal. By J. S. GAMBLE, M.A., Assistant Conservator of Forests, Bengal. *Price, R1-8; postage, 1 anna.*

Report on the Census of Calcutta and its Suburbs, 1881. *Price R4; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1882-83. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1881-82. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1879-80. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1878-79. Published by the Government of Bengal. *Price, R6; postage, 6 annas.*

Report on the Internal Trade of Bengal for the year 1877-78. Published by the Government of Bengal. *Price, R3-8; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, R5; Colored Map, R3-8.*

Report on the Cultivation of, and Trade in, Ganja in Bengal. By HEM CHUNDRA KERR, Deputy Collector, on special duty. *Price, R1-8; postage, 2 annas.*

Report on the Cultivation of, and Trade in, Jute in Bengal, and on Indian Fibres available for the Manufacture of Paper; with Map. By HEM CHUNDRA KERR, Deputy Magistrate, on special duty. *Price, R4; postage, 7 annas.*

Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MACDONNELL, of the Bengal Civil Service. *Price, R3-8; postage, 6 annas.*

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, R2; packing and postage, 3 annas.*

Report on the Census of Bengal, 1872. By H. BEVERLEY, Esq., C.S., Registrar-General of Bengal. *Price, R10; postage, 9 annas.*

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, R3; postage, 4 annas.*

Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, R2-4; postage, [illegible]*

[illegible] Notes on the Land Revenue System of Jaunpur, Settlement, 1879-80. By J. WISE, M.A., C.S., late Magistrate and Collector of Jaunpur. *Price, R3; postage, 3 annas.*

The Bengal Administration Report for 1882-83. *Price, R6; packing and postage, 12 annas.*

The Bengal Administration Report for 1881-82. *Price, R6; packing and postage, 10 annas.*

The Bengal Administration Report for 1879-80. *Price, R6; packing and postage, 10 annas.*

The Bengal Administration Report for 1878-79. *Price, R6; packing and postage, 8 annas.*

The Bengal Administration Report for 1877-78. *Price, R4-8; postage, 8 annas.*

The Bengal Administration Report for 1876-77. *Price, R4-8; postage, 6 annas.*

[illegible] *Price, R4-8; postage, 7 annas.*

Map of Bengal, 1874-75. *Price, if taken with the Report, R1; separately, price, R2; postage, 3 annas.*

The Bengal Administration Report for 1873-74. *Price, R4; postage, 5 annas.*

The Bengal Administration Report for 1872-73. *Price, R7-8; postage, 10 annas.*

Map of Bengal, 1875. *Price, if taken with the Report, R1; separately, price, R2; postage, 3 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, R3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, R1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

Vol.	I.	24-Pergunnahs and Sundarbans.
Vol.	II.	Nadiya and Jessore.
Vol.	III.	Midnapur, Hugli and Howrah.
Vol.	IV.	Bardwan, Bankura and Birbhum.
Vol.	V.	Dacca, Bakarganj, Faridpur and Maimansing.
Vol.	VI.	Chittagong Hill Tracts, Chittagong, Noakhali, Tipperah and Hill Tipperah.
Vol.	VII.	Maldah, Rangpur and Dinagepur.
Vol.	VIII.	Rajshahi and Bogra.
Vol.	IX.	Murshidabad and Pabna.
Vol.	X.	Darjiling, Jalpaiguri and Kuch Behar State.
Vol.	XI.	Patna and Saran.
Vol.	XII.	Gaya and Shahabad.
Vol.	XIII.	Tirhut and Champaran.
Vol.	XIV.	Bhagalpur and Santal Parganas.
Vol.	XV.	Monghyr and Purniah.
Vol.	XVI.	Hazaribagh and Lohardaga.
Vol.	XVII.	Singbhum, Tributary States and Manbhum
Vol.	XVIII.	Cuttack and Balasor.
Vol.	XIX.	Puri and Tributary States of Orissa.
Vol.	XX.	Fisheries and Botany of Bengal, with General Index.
Vol.	XX.	General Index only.

Price, per volume, R4; postage, 5 annas.

Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Dinapore. *Price, 8 annas per copy; packing and postage, 2 annas.*

Buddha Gayá, the Hermitage of Sákya Muni. By Rájendralála Mitra, LL.D., C.I.E., Honorary Member of the Royal Asiatic Society of Great Britain and Ireland, and of the Physical Class of the Imperial Academy of Sciences, Vienna; Corresponding Member of the German and of the American Oriental Societies; of the Royal Academy of Science, Hungary, and of the Ethnological Society of Berlin; Fellow of the Royal Society of Northern Antiquaries, Copenhagen, &c., &c. *Price, R30; packing and postage, R1-4.*

Further Notes on the Rungpore Records, Vol. II. By E. G. GLAZIER, Esq., C.S., Officiating Magistrate and Collector, Rungpore. *Price, R1; postage, 2 annas.*

Selection of Papers regarding the Hill Tracts between Assam and Burma, and on the Upper Brahmapooter. *Price, R5; postage, 4 annas.*

Selections from Divisional and District Annual Administration Reports, 1872-73, with the Government Resolutions on them. *Price, R5; postage, 6 annas.*

Selections from the Supplement to the Calcutta Gazette, 1871 to 1874. *Price, R3-8; postage, 3 annas.*

Progressive Colloquial Exercises in the Lushai Dialect of the Dzo or Kuki Language. With Vocabularies and Popular Tales (notated). By Captain THOMAS HERBERT LEWIN, B.S.C., Deputy Commissioner, Chittagong Hills. *Price, R6; postage, 3 annas.*

Notes on the History of Midnapore, as contained in records extant in the Collector's Office. By J. C. PRICE, Officiating Settlement Officer of Midnapore. Vol. I. *Price, R3; postage, 3 annas.*

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

Price—Bound copies	R45 0 0
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The Statistical Reporter, edited by H. J. S. COTTON, Junior Secretary to the Government of Bengal.

Vol. I, bound in full cloth, lettered	R10 0 0
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Annual Statement of the Sea-borne Trade and Navigation of the Bengal Presidency, and of its Chief Port and each of the Subordinate Ports, with Foreign Countries, for the official year 1875-76. Vol. I. *Price, R12; postage, 10 annas.*

Rules for the Examination of, and grant of Certificates of Competency to, Masters, Mates and Engineers. *Price, R1; postage, 1 anna.*

Abstract of the Rules of the Road at Sea, in English. *Price, R1-4; packing and postage, 1 anna 6 pies.*

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Sanitary Primers in English and in Bengali. *Price, R6 per hundred, including transit and packing charges; single copies, 1 anna each.*

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

West India Pilot, Vol. II	R5 0 0

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Apply to Accountant, Bengal Secretariat, Writers' Buildings, Calcutta.

NOTICE.

The 9th February 1883.—The subscription to, and postage for, the *Calcutta Gazette* will henceforward be at the following rates, payable in advance:—

For the Mofussil.

	R	a.	p.	
Entire Gazette	15	0	0	per annum.
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E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 26, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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

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

BANK OF BENGAL.

NOTICE.

Calcutta, the 21st July 1884.

The Annual General Meeting of the Proprietors and Shareholders of the Bank of Bengal will be held at the Bank on Monday, the 11th proximo, at 3 P.M., for the transaction of the following business:—

I.—To receive the Directors' Report and the audited accounts up to the 30th June 1884.

II.—To elect two Directors in the room of Mr. J. J. J. Keswick and Mr. C. H. Moore, who go out by rotation but who are eligible for re-election.

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

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

SURVEY OF INDIA.

NOTIFICATION.

Simla, the 21st July 1884.

No. 453.—ERRATUM.—In Notification No. 451, dated the 1st July 1884, published at page 401, Part II of the *Gazette of India*, dated the 12th July 1884, *for* "Major T. T. Carter, R.E., Deputy Superintendent, Survey of India, is granted privilege leave for two months and twenty-five days, with effect from 5th August 1884," *read* "two months and twenty-eight days, with effect from 6th August 1884."

G. C. DEPRÉE, *Colonel,*
Surveyor General of India.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 9th July 1884.

No. 18.—The services of the undermentioned Hospital Assistants of the military establishment are placed permanently at the disposal of the Government, North-Western Provinces and Oudh :—

1st Class, No. 48, Runjeet Singh.
2nd Class, ,, 137, Surjee Pershad.
,, ,, 160, Sabir Bux.
,, ,, 172, Kadir Bux.
,, ,, 178, Naiz Oodeen Ahmed.
3rd Class, ,, 206, Shekh Wuheed-ood-deen.
,, ,, 208, Ashan Hoossein.
,, ,, 209, Naseer Ooddeen Khan.
,, ,, 228, Muhummud Moyeen Ood-deen.
,, ,, 251, Mahomed Easim.
,, ,, 293, Narain Lal.
,, ,, 323, Bukshi Khan.
,, ,, 324, Afzal Khan.
,, ,, 369, Kunj Bihari.
,, ,, 370, Jankey Pershad.
,, ,, 375, Shaikh Tahar Hussain.
,, ,, 426, Serajool Hossein.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 19th July 1884.

No. 2263.—ERRATUM.—In Central India Agency Notification No. 3020, dated the 12th November 1883, substitute "*viz.*, three days" in place of "*viz.*, two days."

The 21st July 1884.

No. 2273.—Surgeon-Major H. D. S. Compigné, I.M.D., Medical Officer, Malwa Bhil Corps, and in medical charge, Bhopawar Political Agency, was granted ninety days' privilege leave, with effect from the 6th December 1883.

By Order,
C. W. RAVENSHAW, *Capt.*,
Offg. 2nd Asst. to the Agent to the Govr. Genl. for Central India.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 17th July 1884.

No. 608.—The Reverend J. Husband, of the United Presbyterian Church of Scotland, is licensed, under Section 6 of Act XV of 1872, to solemnize marriages in Ajmere-Merwara.

The 18th July 1884.

No. 615.—**Lieutenant C. Herbert and Lieutenant H. L. Ramsay, respectively, made over and received charge of the Office of Cantonment Magistrate, Nusseerabad, on the forenoon of the 7th July 1884.**

The unexpired portion of the privilege leave granted to Lieutenant Ramsay in this Office Notification No. 339, dated 29th April 1884, is hereby cancelled.

By Order,
W. H. C. WYLLIE,
1st Asst. to the Chief Commr.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 18th July 1884.

No. 36.—Captain W. H. Duperier, R.E., Executive Engineer, 2nd Grade, is granted three months' special leave under the provisions of Government of India, Military Department, Notification No. 249 of 1873, to study for promotion to the rank of Major.

J. J. McLEOD INNES, *Colonel, R.E.*,
Inspr. Genl. of Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 16th July 1884.

No. 37.—With reference to Public Works Department Notifications Nos. 143 and 157, dated, respectively, the 21st June and 9th July 1884, Messrs. A. C. Newcombe and G. W. Winckler, Executive Engineers, 4th Grade, are posted to the Bellary-Kistna State Railway.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

Report of a Deserter from the 2nd Royal Lancaster Regiment of Infantry, dated at Wanourie, Poona, this 21st day of July 1884.

Number, Rank, and Name,—No. Lan.—241, Private John Connett.
Age,—21 years 3 months.
Size,—5 feet 6 inches.
Colour of—
Complexion, fresh ; Hair, light brown ; Eyes, grey.
Date of Desertion,—16th July 1884.
Place of Desertion,—Poona, E.I.
Date of Enlistment,—18th October 1882.

At what Place Enlisted,—Lancaster.
Parish and County in which Born,—Exeter, Devonshire.
Marks,—Eight small light-brown stains on right cheek and scars on left and right forearm and elbow.
Trade,—Labourer.
Coat or Jacket,— } Regimentals.
Waistcoat,— . }
Breeches or Trowsers,— . }
REMARKS,—
Under 2 years' service.

C. P. STOKES, *Colonel*,
Comdg. 2nd Battn., Royal Lancaster Regt.

Report of a Deserter from the 2nd Royal Lancaster Regiment of Infantry, dated at Wanourie, Poona, this 21st day of July 1884.

Number, Rank, and Name,—No. Lan.—235, Private John Martin.
Age,—22 years 4 months.
Size,—5 feet 8 inches.
Colour of—
Complexion, fresh ; Hair, light brown ; Eyes, grey.
Date of Desertion,—16th July 1884.
Place of Desertion,—Poona, E.I.
Date of Enlistment,—29th September 1882.

At what Place Enlisted,—Lancaster.
Parish and County in which Born,—Lancaster, Lancashire.
Marks,—Scar left side of neck and right eyebrow.
Trade,—Stone-mason.
Coat or Jacket,— } Regimentals.
Waistcoat,— . }
Breeches or Trowsers,— . }
REMARKS,—
Under 2 years' service.

C. P. STOKES, *Colonel*,
Comdg. 2nd Battn., Royal Lancaster Regt.

Statement of the Affairs of the Bank of Bengal for the week ending 22nd July 1884.

LIABILITIES.				R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,436	4	4
	R	a.	p.			
Public Deposits at Head Office	79.57,555	0	5	2,36.00,507	4	5
Public Deposits at Branches	1,56.42,952	4	0			
Other Deposits at Head Office and Branches				2.17.58.395	15	11
Bank Post Bills, &c.				5,43.239	6	3
Sundries				12.51.110	13	8
RUPEES				7.13,12,689	12	7

ASSETS.				R	a.	p.
Government Securities				81,08,706	0	0
Other authorized Investments				44,22,410	0	0
Loans' on Government and other authorized Securities				1,05.11.436	11	10
Accounts of Credit on Government and other authorized Securities				66.67,962	6	1
Bills discounted and purchased				1.55,86.843	8	5
Balances with other Banks				5,46,924	5	11
Bullion				2,306	4	0
Dead Stock				11,79.862	15	11
Stamps				9,244	0	10
Sundries				8,12,103	4	6
				4,78,47,799	9	6
	R	a.	p.			
Cash and Currency Notes at Head Office	88,73,005	2	9	2,34,64,890	3	1
Cash and Currency Notes at Branches	1,45.91,885	0	4			
RUPEES				7,13.12.689	12	7

BANK OF BENGAL,
Calcutta, 24th July 1884.

J. GORDON,
Chief Accnt. & Depy. Secretary.

By order of the Directors.
W. D. CRUICKSHANK
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent,
Percentage 49·8.

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

DAYS.	SILVER TENDERED, RESPECTIVELY, AND ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
July 14	14,844	. . .	. . .	2,97,996	83,77,835	66,00,839
,, 15	. . .	. . .	. . .	2,97,996	83,77,835	66,00,839
,, 16	. . .	. . .	62,407	2,89,272	84,41,632	66,64,646
,, 17	. . .	. . .	. . .	2,37,271	84,41,632	66,64,646
,, 18	. . .	. . .	2,51,539	761	86,98,569	69,21,583
,, 19	. . .	. . .	. . .	761	86,98,569	69,21,583

R. V. RIDDELL. *Major, R.E.*,
Mint Master.

CALCUTTA MINT.
The 21st July 1884.

CURRENCY NOTES.

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

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
7	D 17—64001	50	The Treasury Officer, Banikhet.
8	D 20—36992	100	Messrs. King, King & Co., Bombay.

ALLAHABAD,
The 16th July 1884.

H. J. BRERETON,
Assistant Accountant General, in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
97	P 77—70915	100	Babu Pitamber Chunder, No. 19, Waterloo Street, Calcutta.
	R 9—30484	100	
98	O 21—43148	20	Babu Gati Nath Basu, Naib Serajgunge Jute Company.
100	O 65—80966	50	The Asst. Supdt. of Police, Cachar.

CALCUTTA,
The 18th July 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Calicut Circle.

NOTE WHOLLY LOST OR DESTROYED.

No. of Note.	Value. R	Name of Claimant.
J 10—82895	100	General C. W. Taylor, Bangalore.

CALICUT,
The 15th July 1884.

B. C. LEGGATT,
Depy. Collr., in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Simla, the 17th July 1884.

No. 4671.—Mr. E. R. Jardine is appointed to officiate as a 3rd Class Mail Officer.

The 21st July 1884.

No. 4807.—Mr. E. Hutton, Presidency Postmaster, Calcutta, resumed charge of his Office, on return from privilege leave, on 12th July 1884, afternoon.

P. SHERIDAN,
for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 24th July 1884.

Arakie, Aron E.	Heil, Herr Stock.	Rowe, C. F.
Bond, C. W.	Hekimian, H.	Saldhana, Frank.
Botlaw, S. R.	Henslowe, F. B.	Stephen, A. & Co.
Case, Thos. B.	Kennedy, R.	Tilly, H. L.
Daveney, P. B.	Ricketts, D.	Ward, James.
Farrel, H.		

Letters marked "Care of Post Office."

A. B. C.	G. R.	Mylae, F.
A. V.	Gabriel, J.	Nigomar, Victor.
"Admirer."	Glasson, J. St. Clair.	Parker, F. W.
"Agency House."	Goddard, G.	Paterson, C. W.
Alice, Mrs.	Graham, R. W.	Paul, Crawford.
Anderson, Hubert.	H. C.	Phœnix, J.
Andrews, J.	H. M. W.	Piot, Monsieur.
Bagge, W. H.	Harman, J. M.	Reynolds, Charles.
Bell, William.	Hennis, W.	Robinson, Ellen.
Bernon, T.	Huddlesson, S. E.	Roda, Augusto.
Bezbaron, G.	Hunt, Captain W.	Rono, T.
Bowen, Mrs. M. A.	Issac, Margaret.	Rubete, Manuel G.
Braunstein, N.	Jackson, J. A.	S. H. L.
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Chapman, Frank.	Kuap, L.	Steward, Yorke.
Cherkis, Herah.	Lebarbier, Monsieur.	Tabone, Govanni.
Clark, W. H.	Lister, S. Cunliffe.	Thomas, D.
Craig, Joseph B.	Livingston, Archibald.	Tod, Peter.
Crolly, Austin.	Lockhart, G.	Vaz, Richard.
Davey, J. E.	Lynum, R.	Virtes.
DeBretton, Mrs.	MacIntyre, Alfred H.	Wasserman, Laser.
Douglas, E. G.	Mackinnon, T. A. B.	Williams, Mostyn.
E. B.	Matson, E.	Williamson, W. F.
E. S. H.	Mawson, J. R.	Wortley, R. A.
Farrow, Mrs. E.	"Merchant."	X. T. Z.
Ferrell, J. B.	Milner, R.	X. Z. G.
Fleming, Miss.	Morier, W.	Zenzins, U.
Freese, G.		

Registered Letters.

Allis, W.	Greenberg, Frederick.	Robinson, J. C. S.
Bisnee, S. R.	Hakimion, Petros.	Rustomjee, S.
"Errol."	Reaks, Mrs. A. H.	Thompson, G. A. M.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 21st July 1884.

Banerjee, Tarini Churn.	Forbes, Captain.	Lawrence, C. (registered letter.)
Chatterjee, Peary Mohun.	Fowler, J. E.	Mukerjee, Kali Podo.
Chowbey, Chuni Lal.	Ghosh, Priya Nath.	Smith, J.
Dey, Nebaran Chunder.	Kemble, W.	
	Lalla Gonesh Lall.	

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 26th July 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Foreign Mails *vid* Bombay	26th July	From Bombay.*
Madras and Ceylon	6th August	P. & O. Str. *Kaisar-i-Hind.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	5th „	From Bombay.
Foreign Mails *vid* Bombay	2nd „	From Bombay.†
Do. Book Post and Patteru Packets	1st „	From Bombay.
Rangoon and Moulmein	30th July	Str. *Kilwa.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	30th „	Str. *Busheer.*
Port Blair and Camotra	31st „	Str. *Maharani.*

* Also for Cape Colonies through United Kingdom; also *vid* Aden for Mauritius, Mahe (Seychelles), Mayottee, Nossi Be, and Reunion can be forwarded.

† Also for Cape Colonies through United Kingdom can be forwarded.

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گورنمنٹ سنکونا فبري فيوج

يهه دوا کوئينائين کا خوب قائم مقام هی اور کلکته کے برٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے هرايک ملازم سرکاري واسطے سرکاري کام اور خيرات کے اور سوائے اونکے جو کوئي ايک مشت بيس پونڈ خريد لينے سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس کے ٹين کا چار روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا آٹهه روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا سولهٔ روپيه آٹهه آنه ،

اور عوام‌الناس برٹانکل گارڈن يعنے کمپني باغ کے سپرنٹنڈنٹ صاحب سے بقيمت نقد حسب نرخ ذيل خريد کرسکتے هين يعنے نرخ چار اونس ٹين کا پانچ روپيه آٹهه آنه ; آٹهه اونس کے ٹين کا دس روپيه آٹهه آنه ; ايک پونڈ کے ٹين کا بيس روپيه ،

يهه دوا کلکته کے بڑے بڑے ولايتي اور ديسي دوا خانونمين بکتي هی ماسوائے قيمت مذکورهٔ بالا کے محصول ڈاک چار اور آٹهه اونس کے ٹين کا آٹهه آنه ; اور ايک پونڈ کے ٹين کا بارهٔ آنه ،

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 2, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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HIGH COURT—Original Side.

NOTIFICATIONS.

Calcutta, the 28th July 1884.

The Honorable the Chief Justice has, with the approval of His Excellency the Governor General of India in Council, appointed Mr. J. G. Apcar, Barrister-at-Law, temporarily, until further order, to be Clerk of the Crown, with effect from the 9th instant, for the purpose of performing the duties connected with the criminal sessions, with liberty to him to practise as an advocate, except during the criminal sessions or in cases connected therewith, or for or against persons charged with offences for which they are liable to be committed to the High Court for trial.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Charles Hall Adams, Esq., of No. 5, Court Street, Boston, Solicitor, a Commissioner within all parts of Boston for the purpose of taking under the law in force in British India the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

By Order,
R. BELCHAMBERS,
Registrar.

The 31st July 1884.

The following rules passed by the High Court of Judicature at Fort William in Bengal under Chapter 4 of the Transfer of Property Act, 1882, are applicable to the Original Side:—

Application under Section 83.

1. Every application under Section 83 shall be made by a verified petition, stating the facts.

Payment into Court of costs and expenses under Section 83 or any subsequent section.

2. Unless otherwise ordered, there shall be paid into Court, in addition to the sum deposited under Section 83, or any subsequent section, a sum sufficient to provide for the fees and charges of the Accountant General and the Bank of Bengal, and for the mortgagees' costs of obtaining payment

out of Court; and also when such payment is made under Section 83, a further sum to provide for the mortgagees' costs of transferring the property, and causing such transfer to be registered; such costs to be estimated and certified by the Taxing Officer.

Costs to be estimated and certified.

3. Every order for payment of money into Court, under Section 83, shall specify the sums to be paid and the purpose for which each sum is intended.

Order for payment of money into Court under Section 83.

4. Unless otherwise ordered, the applicant, or his Attorney, shall serve, or cause to be served, the notice to be given under Section 83.

Service of Notice under Section 83.

5. When money is paid into Court under Section 86, or under any subsequent section, the person making such payment shall forthwith give written notice thereof to the person or persons on whose account such payment is made.

Of notice of payment under any subsequent section.

6. Every application by a mortgagee to obtain payment of money out of Court shall be by a verified petition.

Application for payment of money out of Court.

And, when made under Section 83, it shall be shown whether the property has been transferred, and (where the applicant was in possession) possession delivered up, free from incumbrance, and whether the transfer has been registered. The documents of title, which were held by the applicant, shall also be accounted for.

Under Section 57 (c.)

Or, when made under Section 86, or Section 92, it shall be shown that the provisions of such section have been complied with.

Or under Section 86 or Section 92.

Or, when made under Sections 88 and 89, or Section 93, the documents of title, which were held by the applicant, shall be accounted for.

Or under Sections 88 and 89 or Section 93.

7. Every application under the last preceding rule shall be on notice to the person by whom, or on whose behalf, the money was paid, or to his Attorney, unless the Court shall think fit to dispense with such notice.

To be on notice.

8. Unless otherwise ordered, whenever any notice, or order, is served under the Act, or under these rules, an affidavit, or affirmation, in proof of such service, shall be filed as soon as possible thereafter.

Affidavit of service of notice or order.

9. Where it shall appear that previous to any payment into Court under Section 83, or any subsequent section, a sufficient tender was made to, and refused by, the mortgagee, he shall not be allowed to obtain payment of the amount deposited in Court to meet his claim, without deduction of the fees and charges of the Accountant General and the Bank, nor shall he be allowed his costs of obtaining such payment. Except as aforesaid, or when otherwise ordered, the mortgagee shall be allowed all costs properly incurred by him.

Costs of mortgagee.

Disallowances where tender refused.

10. If through default on the part of the plaintiff it becomes necessary to obtain an enlargement of time under Section 87, no interest shall be allowed for the enlarged time.

When interest disallowed.

11. On an application for payment of money out of Court, under Section 83, or any subsequent section, by a mortgagee, who has complied with the orders of the Court and the provisions of the Act, and of these rules, so far as they relate to him, or apply to his case, and has, when required so to do, transferred the property and possession, free from incumbrance, and caused such transfer to be registered, and accounted for the documents of title which were held by him, the Court shall make such order or orders as to it shall seem fit for the disposal of the capital sum and interest thereon and of the fund for costs and expenses.

Order for payment of money out of Court, under Section 83, or any subsequent section.

12. Every decree for sale under the Act shall direct that, if the proceeds of sale shall not be sufficient to satisfy the decree, the defendant (if the original mortgagor) shall personally (or if the representative in estate of the original mortgagor, shall out of his estate) pay the amount of the deficiency.

Decree for sale to provide for payment of amount of deficiency.

13. Every final order for foreclosure under Section 87, or Section 93, shall direct that possession of the property be given to the mortgagee, except where he is already in possession. It shall also at the option of the mortgagee be drawn up with a recital of the decree and the proceedings had thereunder, and with a full description of the property, or without any such recital or description.

Final foreclosure order, Section 87 or Section 93.

14. Where immoveable property is sold under Section 88, or any subsequent section, the purchaser may, on application to a Judge in Chambers, obtain a certificate of sale as evidence of the title to the property sold to him, and may also, at his own costs, obtain a conveyance from the mortgagor.

Conveyance of property sold under Section 88 or any subsequent section.

15. Every enforceable order made under Section 83 may be enforced under the provisions of the Code of Civil Procedure, and shall for that purpose be deemed to have been made in a suit instituted under that Code.

Order under Section 83 how enforced.

16. Rules 45 and 46 of the rules of the 1st of August 1877 [Rules 431 and 432, Belchambers R. and O., pages 200, 201] relating to sales by the Registrar are hereby repealed.

Rules repealed.

Rules amended.

From rule 50 of the same rules shall be omitted the words "unless otherwise ordered the costs of such application in the case of a person under disability shall be part of the costs of the sale, and in other cases shall be borne and paid by the defaulting party."

At the end of rule 58 of the same rules shall be added the words "or the grant to him of a certificate of sale."

17. Rules 337 to 449 [Belchambers R. and O., pages 189 to 205] relating to sales by the Registrar as modified by the last preceding rule, and so far as they are applicable, shall apply to all sales by the Court under Sections 88 and 89 or 92 and 93.

Rules relating to sales by Registrar to apply to sales under the Act.

18. The money rules 597*a* to 641 [Belchambers R. and O., pages 240 to 253] shall also, so far as they are applicable, apply to the payment of money into Court, and out of Court, under these rules.

Money rules to apply to payments under these rules.

19. The form set forth in the annexed schedule shall be followed with such variations as the circumstances of each case may require.

Form.

(Sd.) RICHARD GARTH.
" H. S. CUNNINGHAM.
" H. T. PRINSEP.
" A. WILSON.
" L. R. TOTTENHAM.
" C. D. FIELD.
" JOHN F. NORRIS.
" J. Q. PIGOT.
" W. MACPHERSON.
" H. BEVERLEY.

MAPS OF THE SURVEY OF INDIA DEPARTMENT.

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Allahabad.—Curator, Government Books, North-Western Provinces.
Nagpur.—Curator, Government Books, Central Provinces.
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Rajkot.—Mr. Narainjee Sunderjee, for maps of Kattywar only.
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Simla.—* Messrs. Williams & Co., Ripon House (for sales only).

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* These Agents cannot issue maps free of charge on the *Public Service.*

N.B.—Maps are issued *free of charge* only on the Public Service. The *cost of mounting maps, packing, and postage of parcels, must be borne by applicants themselves.* Lists of all newly published maps are periodically notified in the Gazettes of India and of local Governments.

Description.	Scale.	Size.	Price of Map unmounted per sheet or copy. Uncolored. ₹ a.	Colored. ₹ a.
GENERAL MAPS.				
Baluchistan Topographical Survey. Degree Sheet XVI S.E. Seasons 1881 82-83	1″= 2 M.	27″×19″	0 8	0 10
Baluchistan Topographical Survey (additions and corrections to previous surveys) in two sheets. Season 1880-81	1″= 4 M.	27″×19″	0 8	0 8
Sketch Map of Routes traversed by European and Asiatic Explorers beyond the British Frontier, in connexion with the operations of the Trigonometrical Branch, Survey of India, from 1865 to 1883	1″=64 M.			1 12
PROVINCIAL MAPS.				
Map of the Nizam's Dominions including the Assigned Districts of Berar (outline preliminary issue), with new Divisional Boundaries, November 1883	1″=16 M.	40″×25″	2 0	2 8
DIVISIONAL MAPS.				
Map of Madras Presidency, 1883	1″=32 M.	38″×31″	1 8	2 0
Map of Kumaon Division in two sections, revised up to 31st August 1883	1″= 4 M.	44″×27″	2 0	2 8
Preliminary Map of the Bombay Presidency, February 1884	1″=32 M.	40″×27″	1 8	2 0
DISTRICT MAPS.				
District Dera Ghazi Khan in two sheets, February 1884	1″= 4 M.	30″×26″	2 0	2 8
District Peshawar, February 1884	1″= 4 M.	34″×26″	1 8	2 0
Map of District Chittagong in two sections, January 1884	1″= 4 M.	34″×26″	2 0	2 8
Map of District Jubbulpore, March 1884	1″= 4 M.	35″×31″	1 0	1 4
STANDARD MAPS.				
BOMBAY.				
Khandesh and Bombay Native States Topographical Survey, Sheet No. 24, Preliminary Edition. Part of Khandesh. Seasons 1881-82-83	1″= 1 M.	40″×27″	1 0	1 4
Guzerat Survey, Sheet No. 17, Section 1	2″= 1 M.	40″×27″	1 8	1 12
Guzerat Survey, Sheet No. 33, Section No. 2. Part of the Mandvi Taluka of the Surat Collectorate. Seasons 1879-80-81	2″= 1 M.	40″×27″	1 8	1 12
Guzerat Survey, Sheet No. 33, Section 4. Part of Mandvi Taluka of the Surat Collectorate. Seasons 1879-80-81	2″= 1 M.	40″×27″	1 12	2 0
Guzerat Survey, Sheet No. 34, Section 2. Parts of the Bardoli and Mandvi Talukas of the Surat Collectorate. Season 1880-81	2″= 1 M.	40″×27″	1 12	2 0
Guzerat Survey, Sheet No. 34, Section 3. Parts of the Bardoli and Chorasi Talukas of the Surat Collectorate. Season 1880-81	2″= 1 M.	40″×27″	1 12	2 0
Guzerat Survey, Sheet No. 34, Section 4. Part of the Bardoli Taluka of the Surat Collectorate. Season 1880-81	2″= 1 M.	40″×27″	1 12	2 0
Guzerat Survey, Sheet No. 35. Parts of the Surat Collectorate of the Gaikwar's Territory and of the Bansda and Sachin States. Seasons 1880-81-82	1″= 1 M.	40″×27″	1 12	2 0

MAPS OF THE SURVEY OF INDIA DEPARTMENT—*continued.*

Description.	Scale.	Size.	Price of Map unmounted per sheet or copy. Uncolored. ₹	a.	Colored. ₹	a.
STANDARD MAPS—*contd.*						
BURMA.						
Burma Topographical Survey, Sheet No. 83 S.E.4. Parts of Thonze and Karbolin Forest Reserve (District Tharrawaddy). Seasons 1881-82-83	4″= 1 M.	40″×27″	1	0	1	4
Burma Topographical Survey, Sheet No. 83 S.E.2. Parts of Thonze and Karbolin Forest Reserves (District Tharrawaddy). Seasons 1881-82-83	4″= 1 M.	40″×27″	1	0	1	4
Burma Topographical Survey, Sheet No. 90 N.E. 2. Parts of Thonze and Karbolin Forest Reserves (District Tharrawaddy). Seasons 1881-82-83	4″= 1 M.	40″×27″	1	0	1	4
British Burma Survey, Sheet No. 116 N.E., N.W., S.E., & S.W. District Pegu. Seasons 1880-81-82	2″= 1 M.	40″×27″	1	0	1	4
British Burma Survey, Sheet No. 123 N.E., S.E. District Hanthawaddy. Season 1881-82	2″= 1 M.	40″×27″	1	0	1	4
British Burma Survey, Sheet No. 124 N.E., N.W., S.E., S.W. Districts Pegu and Hanthawaddy. Season 1881-82	2″= 1 M.	40″×27″	1	0	1	4
British Burma Survey, Sheet No. 132 N.E. District Hanthawaddy. Season 1881-82	2″= 1 M.	40″×27″	1	0	1	4
British Burma Survey, Sheet No. 133 N.E., N.W., S.E., S.W. District Hanthawaddy. Season 1881-82	2″= 1 M.	49″×27″	1	0	1	4
CENTRAL INDIA AGENCY.						
Bhopal and Malwa Topographical Survey, Sheet No. 49. Parts of Banswara, Pertabgurh, Gwalior, and Oodeypore. Season 1882-83	1″= 1 M.	40″×27″	1	0	1	4
Central India and Rajputana Topographical Survey, Sheet No. 96. Parts of Jodhpore and Sirohee. Seasons 1881-82-83	1″= 1 M.	40″×27″	1	0	1	4
Central India and Rajputana Topographical Survey, Sheet No. 99. Parts of Jodhpur and Sirohee. Season 1882-83	1″= 1 M.	40″×27″	1	0	1	4
Central India and Rajputana Topographical Survey, Half Degree Sheet No. XIX North. Parts of Jeyselmere, Bicaneer, and Jodhpur. Season 1882-83	1″= 2 M.	40″×27″	1	0	1	4
Central India and Rajputana Topographical Survey, Half Degree Sheet No. XIX South. Parts of Jeyselmere, Bicaneer and Jodhpur. Seasons 1881-82-83	1″= 2 M.	40″×27″	1	0	1	4
NORTH-WESTERN PROVINCES.						
North-Western Provinces, Sheet No. 127, District Banda. Seasons 1876—79	1″= 1 M.	40″×27″	1	8	1	12
North-Western Provinces, Sheet No. 128, District Banda. Seasons 1877—79	1″= 1 M.	40″×27″	1	8	1	12
North-Western Provinces, Sheet No. 141, District Banda. Seasons 1876—79	1″= 1 M.	40″×27″	1	8	1	12
North-Western Provinces, Sheet No. 142, District Banda. Seasons 1876—79	1″= 1 M.	40″×27″	1	8	1	12
North-Western Provinces, Sheet No. 143, District Banda. Season 1878-79	1″= 1 M.	40″×27″	1	8	1	12
North-Western Provinces, Sheet No. 155, District Banda. Season 1877-78	1″= 1 M.	40″×27″	1	8	1	12
North-Western Provinces, Sheet No. 156, District Banda. Seasons 1877—79	1″= 1 M.	40″×27″	1	8	1	12
North-Western Provinces, Sheet No. 8 N.W., N.E., S.E., Districts Meerut and Bulandshahr. Season 1881-82	2″= 1 M.	40″×27″	1	0	1	4
North-Western Provinces, Sheet No. 9 N.E., District Bulandshahr. Season 1881-82	2″= 1 M.	40″×27″	1	0	1	4
North-Western Provinces, Sheet No. 9 S.E., District Dehi. Season 1881-82	2″= 1 M.	40″×27″	1	0	1	4
North-Western Provinces, Sheet No. 19 N.W., N.E., & S.W., Districts Meerut and Bulandshahr. Season 1881-82	2″= 1 M.	40″×27″	1	0	1	4
North-Western Provinces, Sheet No. 20 N.W., N.E., S.W., S.E., District Bulandshahr. Season 1881-82	2″= 1 M.	40″×27″	1	0	1	4
North-Western Provinces, Sheet No. 32 N.W., Districts Meerut and Bulandshahr. Season 1881-82	2″= 1 M.	40″×27″	1	0	1	4
North-Western Provinces, Sheet No. 32 S.E., District Bulandshahr. Season 1881-82	2″= 1 M.	40″×27″	1	0	1	4
North-Western Provinces, Sheet No. 32 S.W., District Bulandshahr. Season 1881-82	2″= 1 M.	40″×27″	1	0	1	4
PUNJAB.						
Punjab Survey, Sheet No. 26, District Dera Ismail Khan. Seasons 1873-75 and 1879-80	1″= 1 M.	40″×27″	1	8	1	12
Punjab Survey, Sheet No. 27, District Dera Ismail Khan. Seasons 1879—81	1″= 1 M.	40″×27″	1	8	1	12

MAPS OF THE SURVEY OF INDIA DEPARTMENT—*concluded.*

Description.	Scale.	Size.	Price of Map unmounted per sheet or copy. Uncolored. ₹	a.	Colored. ₹	a.
STANDARD MAPS—*concld.*						
PUNJAB—*contd.*						
Punjab Survey Sheet No. 35, District Dera Ismail Khan. Season 1880-81	1″= 1 M.	40″×27″	1	8	1	12
North-Western Frontier Revenue Survey, Sheet No. 3, District Peshawar. Season, February 1884	1″= 1 M.	40″×27″	1	8	1	12
North-Western Frontier Revenue Survey, Sheet No. 4, District Peshawar. Season, March 1884	1″= 1 M.	40″×27″	1	8	1	12
North-Western Frontier Revenue Survey, Sheet No. 6, District Peshawar. Season, February 1884	1″= 1 M.	40″×27″	1	8	1	12
North-Western Frontier Revenue Survey, Sheet No. 7, District Peshawar. Season, March 1884	1″= 1 M.	40″×27″	1	8	1	12
North-Western Frontier Revenue Survey, Sheet No. 10, District Peshawar. Season, March 1884	1″= 1 M.	40″×27″	1	8	1	12
Kohat Topographical Survey. Sheet No. 1. Part of Akora and Khattak. Season 1882-83	1″= 1 M.	40″×27″	1	8	1	12
Kohat Topographical Survey, Sheet No. 2. Parts of Bangash, Akora, and Khattak. Seasons 1881-82-83	1″= 1 M.	40″×27″	1	0	1	4
Kohat Topographical Survey, Sheet No. 3. Parts of Samilzai and part of Bangash. Season 1881-82-83	1″= 1 M.	40″×27″	1	0	1	4
Kohat Topographical Survey, Sheet No. 4. Parts of Bangash, Tari Khattak, and Sagri. Season 1882-83	1″= 1 M.	40″×27″	1	0	1	4
Kohat Topographical Survey, Sheet No. 5. Parts of Bangash and Tari Khattak. Seasons 1880-81-82-83	1″= 1 M.	40″×27″	1	0	1	4
Kohat Topographical Survey, Sheet No. 6. Parts of Bangash and Tari Khattak. Seasons 1881-82-83	1″= 1 M.	40″×27″	1	0	1	4
Kohat Topographical Survey, Sheet No. 8. Part of Tari Khattak. Seasons 1881-82-83	1″= 1 M.	40″×27″	1	0	1	4
Kohat Topographical Survey, Sheet No. 9. Part of Tari Khattak. Seasons 1881-82-83	1″= 1 M.	40″×27″	1	0	1	4

W. H. WILKINS, *Lieut.-Colonel,*
Deputy Superintendent of Survey,
in charge of the Kohat Mission Trans-Border Survey.

SURVEY OF INDIA DEPARTMENT,
Calcutta, the 10th June 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 29th July 1884.

LIABILITIES.			₹	a.	p.
Capital paid-up			2,00,00,000	0	0
Reserve Fund			41,59,436	4	4
Public Deposits at Head Office	65,37,100	2 7	2,23,15,065	12	11
Public Deposits at Branches	1,57,77,965	10 4			
Other Deposits at Head Office and Branches			2,29,11,035	1	9
Bank Post Bills, &c.			5,60,458	9	4
Sundries			12,36,742	11	6
		RUPEES	7,11,82,738	7	10

ASSETS.			₹	a.	p.
Government Securities			80,33,646	0	0
Other authorized Investments			43,87,575	0	0
Loans on Government and other authorized Securities			92,74,269	3	10
Accounts of Credit on Government and other authorized Securities			66,05,296	11	5
Bills discounted and purchased			1,49,18,243	2	1
Balances with other Banks			5,50,101	9	4
Bullion			2,036	4	0
Dead Stock			11,80,129	11	11
Stamps			9,315	8	0
Sundries			7,77,101	7	4
Cash and Currency Notes at Head Office	98,25,906	5 2	2,54,45,030	13	11
Cash and Currency Notes at Branches	1,56,19,124	8 9			
		RUPEES	7,11,82,738	7	10

BANK OF BENGAL,
Calcutta, 31st July 1884.

J. GORDON,
Chief Accnt. & Depy. Secretary.

By order of the Directors,
W. D. CRUICKSHANK
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.
Percentage 54·1.

No. 812.—*Account of Revenue and Expenditure of the Government of India for the first eleven months of the year 1883-84, as compared with the corresponding period of 1882-83.*

N.B.—Amounts are converted into sterling at R10 to the pound sterling.

	Revenue.	Estimates, 1883-84.	April 1882 to Feb. 1883.	April 1883 to Feb. 1884.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue *	22,338,200	18,194,069	18,616,105	422,036	...
II	Opium	9,200,000	8,695,000	8,676,593	...	18,407
III	Salt	6,167,000	5,552,532	5,555,440	2,908	...
IV	Stamps	3,427,200	3,068,061	3,167,667	99,606	...
V	Excise	3,623,300	3,205,362	3,410,667	205,305	...
VI	Provincial Rates	2,688,200	2,350,698	2,475,516	124,818	...
VII	Customs	1,255,100	1,083,679	1,011,244	...	72,435
VIII	Assessed Taxes	523,400	504,134	506,830	2,696	...
IX	Forest	933,300	724,600	783,629	59,029	...
X	Registration	280,400	259,857	239,198	...	20,659
XI	Tributes from Native States	701,000	518,297	553,424	35,127	...
XII	Post Office	1,010,900	889,386	928,301	38,915	...
XIII	Telegraph	514,100	404,409	423,494	19,085	...
XIV	Mint	102,000	125,602	64,814	...	60,788
XV	Law and Justice	645,000	569,413	477,729	...	91,684
XVI	Police	226,200	198,143	268,014	69,871	...
XVII	Marine	207,100	176,505	160,707	...	15,798
XVIII	Education	204,900	177,040	178,305	1,265	...
XIX	Medical	46,600	36,899	42,466	5,567	...
XX	Scientific and other Minor Departments.	70,000	62,763	74,486	11,723	...
XXI	Interest	646,000	640,347	728,389	88,042	...
XXII	Receipts in aid of Superannuation, &c.	193,500	140,603	140,019	...	584
XXIII	Stationery and Printing	57,200	46,288	39,274	...	7,014
XXIV	Miscellaneous	260,100	222,329	243,582	21,253	...
		55,320,700	47,846,016	48,765,893	919,877	...
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	2,730,500	2,443,903	2,813,620	369,717	...
	East Indian Railway (Gross Earnings).	2,907,000	4,142,276	4,604,411	462,135	...
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,539,000	3,826,300	3,928,387	102,087	...
XXVII	Irrigation and Navigation (direct Receipts).	885,400	835,900	819,991	...	15,909
	Unproductive Public Works.					
XXIX	State Railways	191,900	...	116,592	116,592	...
XXX	Subsidized Railways	10,000	...	...	...	...
XXXI	Irrigation and Navigation	141,300	121,084	128,251	7,167	...
XXXII	Military Works	39,200	...	34,712	34,712	...
XXXIII	Civil Buildings, Roads and Services	463,900	(a)419,400	389,217	...	30,183
XXXIV	Army	824,800	811,857	768,735	...	43,122
XXXV	Military Operations in Afghanistan	...	1,380	...	...	1,380
	Do. do. in Egypt	...	32,901	3,636	...	29,265
		67,053,700	60,481,017	62,373,445	1,892,428	...
	England, including Army, Public Works, &c.	220,300	287,460	266,545	...	20,915
	GRAND TOTAL	67,274,000	60,768,477	62,639,990	1,871,513	...

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

(a) Includes Military Works.

THE TREASURY,
Calcutta, the 31st July 1884.

	Expenditure.	Estimates, 1883-84.	April 1882 to Feb. 1883.	April 1883 to Feb. 1884.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt †	3,713,100	3,470,623	3,499,513	28,890	...
2	Do. on other Obligations	437,400	323,112	225,406	...	97,706
3	Refunds and Drawbacks	195,900	274,776	210,863	...	63,913
4	Assignments and Compensations	1,246,100	620,321	674,570	54,249	...
5	Land Revenue	3,210,800	2,676,561	2,779,630	103,069	...
6	Opium (including cost of production)	2,164,300	2,247,511	1,763,000	...	484,511
7	Salt (do. do.)	546,300	403,890	402,017	...	1,873
8	Stamps	79,600	71,228	73,515	2,287	...
9	Excise	94,400	87,066	83,027	...	4,059
10	Provincial Rates	51,100	50,597	52,417	1,820	...
11	Customs	143,700	143,467	126,444	...	17,023
12	Assessed Taxes	14,000	11,719	12,289	570	...
13	Forests	671,500	453,100	502,728	49,628	...
14	Registration	186,300	166,762	153,581	...	13,181
15	Post Office	1,120,800	989,219	1,014,461	25,242	...
16	Telegraph	543,600	425,986	450,966	24,980	...
17	Mint	71,200	77,274	69,413	...	7,861
18	General Administration	1,315,900	1,171,277	1,194,822	23,545	...
19	Law and Justice	3,345,100	2,953,084	2,926,522	...	26,562
20	Police	2,708,000	2,326,127	2,451,534	125,407	...
21	Marine (including River Navigation)	378,700	327,973	364,977	37,004	...
22	Education	1,199,800	1,006,139	1,038,161	32,022	...
23	Ecclesiastical	167,300	147,280	144,441	...	2,839
24	Medical	715,200	611,752	635,148	23,396	...
25	Political	415,100	431,361	423,903	...	7,458
26	Scientific and other Minor Departments	475,000	391,797	487,938	96,141	...
27	Territorial and Political Pensions	664,100	603,989	618,693	14,754	...
28	Civil Furlough and Absentee Allowances	1,500	896	495	...	401
29	Superannuation Allowances and Pensions	756,300	725,814	679,779	...	46,035
30	Stationery and Printing	329,000	302,122	329,110	26,988	...
31	Miscellaneous	334,900	246,995	247,446	451	...
32	Famine Relief	12,500	94,279	5,213	...	89,066
33	Protective Works—Railways	1,012,500	264,906	438,968	174,062	...
34	Do. do. Irrigation	343,300	204,163	244,282	40,119	...
35	Reduction of Debt	131,700	...	...	...	...
49	Exchange on transactions with London	3,548,000	2,887,716	3,566,520	678,804	...
		30,244,000	27,190,889	27,691,207	705,440	...
	Productive Public Works.					
36	State Railways (Working and Maintenance)	1,572,800	1,512,709	1,591,961	79,252	...
	East Indian Railway (Working Expenses)	188,400	1,901,558	1,827,963	...	73,596
37	Guaranteed Railways (Interest and Profits)	588,500	562,500	644,402	81,902	...
38	Irrigation and Navigation (Working and Maintenance).	549,300	428,009	435,605	7,596	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	510,400	338,882	—105,835	...	444,717
41	Do. (Working and Maintenance)	184,800	...	99,270	99,270	...
42	Subsidized Railways	71,300	20,572	46,520	25,948	...
	Southern Mahratta Railway	84,800	32,950	85,395	52,445	...
43	Frontier Railways	67,500	188,572	23,304	...	165,268
44	Irrigation and Navigation	802,000	654,000	558,246	...	95,754
45	Military Works	999,600	...	823,289	823,289	...
46	Civil Buildings, Roads and Services	4,202,000	(a)4,125,400	3,462,310	...	663,090
47	Army	12,018,800	10,959,562	10,773,684	...	185,878
48	Military Operations in Afghanistan	...	16,211	...	...	16,211
	Do. do. in Egypt	...	1,226,886	43,288	...	1,183,598
		54,184,200	49,158,663	48,203,198	...	987,470
	England, including Army, Public Works, Guaranteed Interest, &c.	14,132,100	13,092,871	14,488,289	1,395,418	...
		68,316,300	62,251,534	62,691,487	434,048	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,583,000	910,055	1,604,024	693,969	...
	East Indian Railway	424,000	108,594	243,480	134,886	...
51	Irrigation and Navigation	955,500	425,329	550,977	125,648	...
52	Miscellaneous Public Improvements	23,000	...	21,544	21,544	...
	In England—					
	State Railways	812,000	317,341	688,565	371,224	...
	Irrigation and Navigation	22,600	(b)1,755,310	13,008	...	1,742,302
	East Indian Railway	...	439,396	509,680	70,284	...
		3,820,100	3,956,025	3,631,228	...	324,797
	GRAND TOTAL	72,136,400	66,207,559	66,317,704	110,145	...

† Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.
(b) Purchase of the Madras Irrigation and Canal Company's undertaking.

E. W. KELLNER,
Deputy Comptroller General.

E. T. ATKINSON,
Offg. Comptroller General.

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

M. A. EXAMINATION, 1887.

PERSIAN.

Prose.

Munshi Muhammad Mahdí	Durrat Nádirah.
Shams-ud-dín Faqír	Hadáiqu-l-Balághát.
Saifí	'Uruz.
Abu'l Fazl	Akbarnámah, Vol. I.
Jámí	Ruq'át.
Jámí	Qawafí.

Poetry.

Khúqání	Qasáid.
Khusrau	Qiránu-s-Sádain.
Fardausi	Selections from the Sháhnámah, by Colonel Jarrett, Calcutta 1880.
Hakím Samáí	Hadiqah.
Anwarí	Díwán.
Habib Qáání	Qasáid, 1st half.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 1st August 1884.

NORTHERN INDIA SALT REVENUE DEPARTMENT.

NOTIFICATION.

Agra, the 15th July 1884.

No. 6047.—Mr. G. A. Bradford, Assistant Commissioner, on return from leave, resumed charge of the Puchbadra Division on the 10th July 1884, forenoon. The unexpired portion of his leave, *viz.*, one day, is hereby cancelled.

A. D. CARRY,
Commr., Northern India Salt Revenue.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 22nd July 1884.

No. 2206 *G.*—With reference to Foreign Department Notifications Nos. 1380 G. and 1382 G., dated 17th July 1884, Captain T. C. Pears and Lieutenant C. Herbert, respectively, made over and received charge of the Offices of Assistant General Superintendent, Thuggee and Dacoity, Lower Rajputana, and Magistrate of Abu, on the forenoon of the 15th July 1884.

The 25th July 1884.

No. 2214 *G.*—With reference to Foreign Department Notification No. 2053 I., dated 5th June 1884, Surgeon Charles Adams, M.B., B.A., LL.B., of the Madras Medical Service, assumed charge of his duties as Civil Surgeon at Bickaneer on the forenoon of the 15th July 1884.

No. 2216 *G.*—With reference to this Office Notification No. 1415 G., dated 20th May 1884, Lieutenant-Colonel C. A. Baylay and Major H. B. Abbott, respectively, made over and received charge of the Office of Political Agent, Jhallawar, on the forenoon of the 10th July 1884.

By Order,
W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 31st July 1884.

No. .—The Resident's Notification No. 20, dated the 24th November 1883, appointing the Reverend G. Hiram Greenig, a Missionary of the Methodist Episcopal Church, to be a Marriage Registrar for the territories included in the Civil and Military Station of Bangalore, is hereby cancelled.

By Order,
H. WYLIE, *Major,*
Assistant to the Resident.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 22nd July 1884.

No. 38.—With reference to Public Works Department Notification No. 151, dated 2nd July 1884, Mr. L. H. Butcher, Assistant Engineer, 2nd Grade, is posted to the Punjab Northern State Railway.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

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

DATE.	SILVER TENDERED. ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
July 21	. . .	. . .	44	340	66,96,643	69,21,627
„ 23	. . .	. . .	. . .	340	66,96,643	69,21,627
„ 23	. . .	. . .	. . .	340	66,96,643	69,21,627
„ 24	1,413	. . .	380	1,419	66,99,011	69,21,993
„ 25	. . .	. . .	. . .	1,419	66,99,011	69,21,993
„ 26	. . .	. . .	. . .	1,419	66,99,011	69,21,993

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 28th July 1884.

CURRENCY NOTES.

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

Calicut Circle.

NOTES WHOLLY LOST OR DESTROYED.

No. of Notes.	Value. ₹	Name of Claimant.
J 12—30792	50	Maliyakkal Koyassan Koya Haji, of Nagarom Amshom, Calicut Taluk.
„ —30793	50	
„ —30794	50	
„ —30795	50	
J 10—93043	100	
„ —93046	100	
„ —93047	100	
„ —93048	100	
„ —93049	100	
„ —93050	100	
„ —93051	100	
„ —93052	100	
J 10—86922	100	V. Annamalai Mudali, late Toddy Contractor, Erode.
„ —88153	100	
„ —91030	100	
„ —91562	100	
„ —92290	100	

CALICUT,
The 25th July 1884.

B. C. LEGGATT,
Depy. Collr., in charge of Paper Currency.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
101	R 9—58556	100	Rammarain Gunga Ram, No. 90, Sootaputty, Burrobazar, Calcutta.
	P 40—08836	50	
103	P 40—16877	50	Babu Kedar Nath Shaha, Khagra Bazar, Berhampore.
104	P 9—71984	50	Babu Hurry Churn Sarkar, No. 27, Monohur Dass' Street, Calcutta.

CALCUTTA,
The 1st August 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
8	E 20—67386	100	Mr. W. Donnelly, care of
	„ —62009	100	Mr. Cowley, near Kot-
	„ —58729	100	wali, Mean Meer.
9	E 20—78002*	100	Colonel W. G. Davies,
	„ —78003	100	Financial Commissioner,
	„ —78004	100	Punjab, Simla.

* Belonging to Agency No. 2, Simla.

LAHORE,
The 25th July 1884.

W. H. EGERTON,
for *Depy. Commr. of Paper Currency.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 28th July 1884.

POSTAL CIRCLE, MADRAS.

No. 5109.—Mr. G. R. Peter is appointed to officiate as Postmaster of Trichinopoly.

P. SHERIDAN,
for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 31st July 1884.

Birks, A. R.	Kennedy, R.	Saldanha, Frank.
Botlaw, S. B.	Maranduzzo, Giovanni.	Smith, W. H. Forester.
Burney, P.	Martin, Mrs. F. C. E.	Stonhill, W. J.
Chase & Co., B. L.	Ricketts, D.	Tilly, H. L.
Heil, Herr Stock.	Roflen, Ignatz.	Ward, James.
Hekimian, H.	Rowe, C. F.	Zallach, Fecheskeil.
Hill, F.		

Letters marked "Care of Post Office."

A. B. C.	Fletcher, Mr.	Morier, W.
A. V.	G. R.	Nigomar, Victor.
"Admirer."	Gabriel, J.	Parker, F. W.
"Agency House."	Glasson, J. St. Clair.	Phonik, J.
Alice, Mrs.	Goddard, G.	Plot, Monsieur.
Anderson, Hubert.	Graham, R. W.	Reynolds, Charles.
Andrews, J.	H. C.	Robinson, Ellen.
Bagge, W. H.	H. M. W.	Roda, Augusto.
Bernon, T.	Herman, J. M.	Rubeto, Manuel G.
Besbaron, G.	Huddleson, S. E.	Sadler, W.
Bowen, Mrs M. A.	Jackson, J. A.	Selons, Edmund.
Braunstein, N.	Johnston, R. T.	Smith, J. B.
Brincat, Salvator.	Jones, Frank M.	Steward, Yorke.
Britton, M.	K. M. W.	Tabone, Giovanni.
Brooks, L.	Lebarbier, Monsieur.	Thomas, D.
Chapman, Frank.	Livingston, Archibald.	Tod, Peter.
Cherkis, Herah.	Lynum, R.	Vandermont, T.
Crolly, Austin.	MacIntyre, Alfred H.	Vaz, Richard.
DeBretton, Mrs.	Mackinnon, T. A. B.	Virtes.
Douglas, E. G.	Matson, E.	Williams, Mostyn.
E. B.	Mawson, J. R.	Williamson, W. F.
E. S. H.	"Merchant."	X. T. Z.
Farrow, Mrs. E.	Milner, R.	X. Z. G.
Ferrell, J. B.		

Registered Letters.

Allis, W.	Greenberg, Frederick.	Stephen, Col. S.
Bisuee, S. R.	Rustomjee, S.	Vainberg, Isreal.
"Errol."		

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 28th July 1884.

Chatterjee, Peary Mohun.	Dowset, Mrs.	Mukerjee, Kali Podo.
Chowbey, Chuni Lall.	Forbes, Captain.	Mukerjee, J. G.
Dass, B. C.	Ghosh, Priya Nath.	Rai Chowdhary, K. C.
Deone, Dr. W.	Harvey, Robert.	Smith, J.
	Lalla Gonesh Lall.	Walkom, T. W.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 2nd August 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Foreign Mails *vid* Bombay	2nd August	From Bombay.*
Madras and Ceylon	6th „	P. & O. Str. *Kaisar-i-Hind.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	5th „	From Bombay.
Foreign Mails *vid* Bombay	5th „	From Bombay.†
Do. Book Post and Pattern Packets	8th „	From Bombay.
Rangoon and Moulmein	6th „	Str. *Ethiopia.*‡
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	6th „	Str. *Mantatta.*

* Also for Cape Colonies through United Kingdom can be forwarded.
† Also for Cape Colonies through United Kingdom; also *vid* Aden for Zanzibar, Lamoo, Mambaza, Kilwa Kivinjee and Lindi, Mozamtique, Delagoa Bay, Cape Colonies, can be forwarded.
‡ Also for Port Blair can be sent by this opportunity.
N.B.—The letter-box will close at 7 P.M. precisely; after which hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

It is hereby notified for general information that the following mail despatches to Ceylon will be made from the Calcutta General Post Office during the month of August 1884 :—

DATE OF CLOSING.	ROUTE.
5th August 1884	By P. & O. Steamer from Bombay.*
6th August 1884	By P. & O. Steamer from Calcutta.
11th August 1884	By French Steamer.
15th August 1884*	By B. I. S. N. Co.'s private vessel.
15th August 1884*	By Star Line private vessel.
19th August 1884	By P. & O. Steamer from Bombay.
20th August 1884	By P. & O. Steamer from Calcutta.
29th August 1884*	By B. I. S. N. Co.'s private vessel.

* These dates are subject to alteration in the event of departure of the vessels being delayed.

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

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (prepayment compulsory).

The postage on letters conveyed by the P. & O. and French steamers is three (3) annas per ½ oz. (prepayment optional).

E. HUTTON.
Presidency Post Master.

Meteorological Publications for Sale.

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

	₹	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts	8	0	0

	R	a.	p.
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates.	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II. 4to, 63 pages, 4 plates .	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates .	1	8	0
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates .	1	8	0
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages . .	1	8	0
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates .	1	8	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	0	8	0
Rainfall Map of India (in 2 sheets, scale 64 miles to the inch) showing the average annual distribution of rainfall (in colours) . . .	3	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates .	2	0	0
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates . . .	2	8	0
Register of the Original Observations of the six stations in India for 1879, reduced and corrected . . .	2	8	0
Register of the Original Observations of the six stations in India for 1880, reduced and corrected . . .	2	8	0
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HENRY F. BLANFORD,
Meteorological Reporter to the Government of India.

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Orders and subscriptions for 1884 should be at once remitted.

NOTICE.

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Advertisements will be received for publication on the wrappers of the Indian Law Reports, Calcutta Series, by the Calcutta Central Press Company, "Limited," 5—1, Council House Street, at the following rates, payable in advance:—

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	R	a.
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Apply to Accountant, Bengal Secretariat, Writers' Buildings, Calcutta.

NOTICE.

The 9th February 1883.—The subscription to, and postage for, the *Calcutta Gazette* will henceforward be at the following rates, payable in advance:—

For the Mofussil.

	R	a.	p.	
Entire Gazette . . .	15	0	0	per annum.
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Postage . . .	3	0	0	„
Parts III, IV, V, and VI, containing the Acts and Bills of the Legislative Councils of India and Bengal . . .	5	0	0	„
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Postage . . .	0	1	0	
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The same rates as those for the mofussil, with the exception of the charge for postage.

E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 9, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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

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

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 31st July 1884.

The following form is referred to in Rule 19 of the Rules of the High Court of Judicature at Fort William in Bengal under Chapter IV of the Transfer of Property Act, 1882, published in the *Gazette of India*, Part II, dated 2nd August 1884.

R. BELCHAMBERS,
Registrar.

NOTICE UNDER SECTION 83.

In the High Court of Judicature at Fort William in Bengal, Ordinary Original Civil Jurisdiction.

To B.

Whereas A. has, under Section 83 of Act IV of 1882, deposited in Court R10,000 as the amount remaining due on the mortgage to you, dated the day of 188, and R100 for the commission and charges of the Accountant General and the Bank of Bengal, and R500 to provide for such necessary costs and expenses as you may incur [and whereas it is alleged that a sufficient tender was previously made to you], you are hereby informed that the Court, upon being satisfied that you have re-transferred the property comprised in the said mortgage, and [where B. is in possession] delivered up possession thereof to the said A., and have also delivered up to the said A., or deposited in Court, or accounted for, all documents in your possession or power, or for which you are responsible, relating to the said property, the Court will make such order as to it shall seem fit for the payment to you of the said sum of R10,000 [less where a tender was made of the commission and charges of the Accountant General and the Bank of Bengal] with all costs and expenses to which you may be entitled.

Dated this day of 188.

A. B.,
Registrar.

BANK OF BENGAL.

NOTICES.

Calcutta, the 21st July 1884.

The Annual General Meeting of the Proprietors and Shareholders of the Bank of Bengal will be held at the Bank on Monday, the 11th proximo, at 3 P.M., for the transaction of the following business:—

I.—To receive the Directors' Report and the audited accounts up to the 30th June 1884.

II.—To elect two Directors in the room of Mr. J. J. Keswick and Mr. C. H. Moore, who go out by rotation but who are eligible for re-election.

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

The 4th August 1884.

The Directors have appointed Mr. A. M. Lindsay to act as Agent at Rangoon during Mr. F. A. Gillam's absence on three months' leave.

By Order of the Directors,

W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

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

M. A. EXAMINATION, 1887.

PERSIAN.

Prose.

Munshi Muhammad Mahdí	Durrai Nádirah.
Shams-ud-dín Faqír . .	Hadáiqu-l-Balághát.
Saifí	'Uruz.
Abu'l Fazl . . .	Akbarnámah, Vol. I.
Jámí	Ruq'át.
Jámí	Qawafí.

Poetry.

Kháqání	Qasáid.
Khusrau	Qiránu-a-Sádain.
Fardausí	Selections from the Sháhnámah, by Colonel Jarrett, Calcutta, 1880.
Hakím Sanáí . . .	Hadíqah.
Anwarí	Díwán.
Habib Qáání . . .	Qasáid, 1st half.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 1st August 1884.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 30th July 1884.

No. 2368.—Lieutenant-Colonel M. G. Gerard, C.B., Officiating 2nd-in-Command, 2nd Regiment, Central India Horse, and Political Assistant, Goona, is granted sixty days' privilege leave, with effect from the 15th August 1884, or such subsequent date as he may avail himself of it.

By Order,

C. W. RAVENSHAW, *Capt.*,
Offg. 2nd Asst. to the Agent to the Govr. Genl. for Central India.

The 31st July 1884.

No. 2387.—Captain Donald Robertson, First Assistant to the Agent to the Governor General in Central India, returned from the three months' privilege leave granted to him in this Office Notification No. 760, dated the 2nd April last, and resumed charge of his duties on the afternoon of the 29th instant.

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

By Order,

M. J. MEADE,
2nd Asst. to the Agent to the Govr. Genl. for Central India.

The 4th August 1884.

No. 2420.—It is hereby notified under Chapter 18, Rule 14—2, Civil Account Code, that Captain C. W. Ravenshaw, 3rd Assistant to the Agent to the Governor General for Central India, has resumed charge of the Indore Treasury from the forenoon of the 2nd August 1884.

By Order,

D. ROBERTSON, *Captain*,
1st Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 29th July 1884.

No. 2236 *G.*—Third Class Hospital Assistant Mahomed Aly Khan attached to the Iklera Dispensary in Jhallawar, was granted fifty-three days' privilege leave from the 5th April 1884, and 3rd Class Hospital Assistant Syud Ooddin, of the Reserve List of Hospital Assistants for Native States, officiated during his absence.

No. 2237 *G.*—Third Class Hospital Assistant Guhabur Singh returned from leave granted him in this Office Notification No. 2130 G., dated the 26th June 1883, and resumed charge of the Mayo College Hospital, on the forenoon of the 1st July 1884, from 1st Class Hospital Assistant Munram Singh, who reverted to the Reserve List of Hospital Assistants for Native States.

No. 2238 *G.*—First Class Hospital Assistant Mahomed Galib attached to the Rajputana-Malwa Railway was granted privilege leave for one month and a half from the 20th May 1884, and 2nd Class Hospital Assistant Moheeboollah, of the Government Reserve List, officiated during his absence.

No. 2239 *G.*—Third Class Hospital Assistant Khawaj Bux, transferred from the North-Western Provinces for employment in Rajputana, is placed on the Reserve List of Hospital Assistants for Native States, with effect from the 14th April 1884.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA, AND CHIEF COMMISSIONER, AJMERE-MERWARA, P. W. DEPT.

DECLARATION.

Mount Abu, the 29th July 1884.

No. 1933 *S.*—The waste and hilly lands below described being required for the purposes of a State Forest, are hereby, under the orders of the Chief Commissioner, taken up for such purposes, and the present declaration is made and published under the Ajmere Forest Regulation, 1874, Section 3:—

Makerwali Hokran Tract.

A tract of land comprising an area of about 3,000 acres and belonging to the villages of Naosar, Chaurasiawas, Makerwali, Hokran, Budha Pokhar, and Kanis.

This tract is bounded on the north by lands belonging to the villages of Makerwali and Hokran; on the east by lands belonging to the villages of Makerwali, Chaurasiawas, and Naosar; on the south by lands belonging to the villages of Naosar, Leela Saori, and Kanis; on the west by lands belonging to the villages of Kanis, Budha, Pokhar, and Hokran.

By Order,

H. Y. MURRAY, *Lieut.-Colonel.*,
Offg. Secy. to the Chief Commr., Ajmere-Merwara, P. W. Dept.

NORTHERN INDIA SALT REVENUE DEPARTMENT.

NOTIFICATION.

Agra, the 31st July 1884.

No. 188.—Mr. W. Synnott, Assistant Commissioner, Upper Division, Internal Branch, is granted one month and nineteen days' privilege leave under Sections 71 to 73 of the Civil Leave Code in extension of that sanctioned in Order No. 110, dated 29th May 1884.

A. D. CAREY,
Commr., Northern India Salt Revenue.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 24th July 1884.

No. 19.—Third Grade Assistant Surgeon Siva Prosad Ray, of the Imperial establishment, has been granted by the Secretary of State for India an extension of leave for three months without pay.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 4th August 1884.

No. 39.—With reference to Public Works Department Notification No. 175, dated 25th July 1884, Messrs. A. B. Prussia and T. G. Acres, Traffic Candidates, are posted respectively to the Eastern Bengal and Rajputana-Malwa State Railways.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

EASTERN BENGAL STATE RAILWAY.

NOTIFICATION.

Calcutta, the 6th August 1884.

No. 665.—Mr. W. R. Haughton, Assistant Manager, Eastern Bengal State Railway, has been granted privilege leave for three months from 16th instant, or from such time as it may be availed of.

R. D. MORRISON,
for *Manager, pro tem.*

Report of a Deserter from the 1st Battalion, Royal Welsh Fusiliers, dated at Dum-Dum, this 2nd day of August 1884.

Number, Rank, and Name,—No. 2516, Private William George Appleton.	At what Place Enlisted,—London.
Age,—36 years.	Parish and County in which Born,—St. David's, Brecon.
Size,—5 feet 6½ inches.	Marks,—None.
Colour of—Complexion, sallow; Hair, light brown; Eyes, grey.	Trade,—Labourer.
Date of Desertion,—29th July 1884.	Coat or Jacket,— } Regimentals. Waistcoat,— . Breeches or Trowsers,— .
Place of Desertion,—Dum-Dum.	
Date of Enlistment,—25th July 1872.	REMARKS,—Under 11 years' service.

C. ELGEE, *Colonel*,
Comdg. 1st Battn., Royal Welsh Fusiliers.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on the 8th May 1884, treasure consisting of 30 small gold coins, "Rukalu" of former days, valued at ₹151, was found underground in the backyard of one Kalidindi Appalaraju, of Jimmuru in Narasupur Taluk, Godaveri District.

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent before the Collector of Godaveri, at his office, at 11 A.M., on the 7th January 1885, in order to the matter being enquired into and determined according to the provisions of the said Act.

W. S. FOSTER,
Collector.

COCONADA,
The 30th July 1884.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st July 1884.

PARTICULARS.	3½ per cent. Transfer Loan of 1863-64.	4 per cent. Loans						4½ per cent. Loans				GRAND TOTAL.
		Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.	
	R	R	R	R	R	R	R	R	R	R	R	R
Balance of 15th July 1884	54,100	13,36,853	29,38,000	2,45,07,900	99,96,400	2,95,10,937	2,58,21,400	46,08,800	1,01,31,700	10,00,56,700	11,47,97,200	20,01,45,390
Add—												
Amount enfaced at Madras between 16th and 31st July 1884			4,500	12,500	20,000	11,000	2,500		2,000	7,000	9,000	59,500
Amount enfaced at Bombay between 16th and 31st July 1884			500	5,500	4,000	53,000	27,000		1,000	77,000	78,000	1,63,000
Amount enfaced at Calcutta between 16th and 31st July 1884			14,500	45,000		1,65,200	6,000			1,53,000	1,53,000	3,81,700
	54,100	13,36,853	29,57,500	2,45,68,900	1,00,22,400	2,97,40,037	2,55,56,500	46,08,800	1,01,34,700	10,02,93,700	11,50,37,200	20,97,54,590
Deduct—												
Amount written off in the London Registers			4,700	2,86,500	24,300	1,61,500	1,10,000			2,00,000	2,00,000	7,87,000
Balance on 31st July 1884	54,100	13,36,853	29,52,800	2,43,02,400	99,98,100	2,95,78,537	2,57,46,500	46,08,800	1,01,34,700	10,00,93,700	11,48,37,200	20,89,67,590

NOTE.—From 9th June 1867 to 31st May 1884, enfaced from India 4,995 lakhs; re-transferred from London 4,241 lakhs.

1st June	to 15th June	9	lakhs.
1st ,,	to 30th ,,	8	,,
16th ,,	to 30th ,,	6	,,
1st July	to 15th July	7	,,
16th ,,	to 31st ,,	4,271	lakhs.
		5,004	lakhs.
		4,271	
Balance against India		733	lakhs.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 1st August 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 5th August 1884.

LIABILITIES.	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,436	4	4
Public Deposits at Head Office	74,16,856	9	10	2,19,55,442	0	10
Public Deposits at Branches	1,45,38,585	7	0			
Other Deposits at Head Office and Branches				2,14,37,628	1	6
Bank Post Bills, &c.				5,27,515	1	0
Sundries				12,36,619	9	10
RUPEES				6,93,16,641	1	6

ASSETS.	R	a.	p.	R	a.	p.
Government Securities				82,20,742	0	0
Other authorized Investments				43,71,845	0	0
Loans on Government and other authorized Securities				88,55,415	0	10
Accounts of Credit on Government and other authorized Securities				63,82,954	13	8
Bills discounted and purchased				1,40,62,077	14	9
Balances with other Banks				7,49,287	6	5
Bullion				2,036	4	0
Dead Stock				11,80,712	3	2
Stamps				9,422	14	0
Sundries				7,44,651	4	4
				4,45,79,144	13	2
Cash and Currency Notes at Head Office	83,26,275	0	7	2,47,37,496	4	4
Cash and Currency Notes at Branches	1,64,11,221	3	9			
RUPEES				6,93,16,641	1	6

BANK OF BENGAL,
Calcutta, 7th August 1884.

J. GORDON,
Chief Accts. & Depy. Secretary.

By order of the Directors,
W. D. CRUICKSHANK
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.
Percentage 54·7.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
July 28	2,049		1,351	2,468	86,99,011	69,21,996
,, 29		7		2,088	87,01,585	69,23,376
,, 30			2,148	2,088	87,56,475	69,23,376
,, 31				50	87,57,801	69,25,563
Aug. 1				50	87,57,801	69,25,563
,, 2				50	87,57,801	69,25,563

R. V. RIDDELL, *Major, R.E.*,
Mint Master.

CALCUTTA MINT,
The 5th August 1884.

CURRENCY NOTES.

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

Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
1884.		R	
W30	F 12—26974	1,000	Cawasji Palanji Chawna Bombay.

BOMBAY,
The 29th July 1884.

R. A. STERNDALE,
Asst. Accts. Genl., Paper Currency Dept.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No of Notes.	Value.	Name of Claimant.
		R	
108	P 40—27599	50	Kristo Lal Sadkhan, 58, Hurri Ghose's Street, Calcutta.
110	P 40—20423	50	Shewnarain Ramnarain, No. 5, Shama Bye's Lane, Calcutta.
111	R 9—57587	100	Aliakh Ram and Jewlal Ram, No. 13, Cheeniputty, Sec. E, Calcutta.
	—57584	100	
112	P 77—63486	100	Dr. Budden Chandra Choudhuri, Hooghly.
	D 3—016401*	100	Mr. E. F. Sandys, Comillah.

* Stock Note.

CALCUTTA,
The 8th August 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Calicut Circle.

NOTES WHOLLY LOST OR DESTROYED.

No. of Notes.	Value.	Name of Claimant.
	R	
J 10—91961	100	M. Govindurajulu Naidu, Pensioned Tahsildar, Pursewakam High Road, Madras.
J 2—08746	500	V. Annamalai Mudaliar, late Toddy Contractor, Erode.
—08750	500	

CALICUT,
The 31st July 1884.

B. C. LEGGATT,
Depy. Collr., in charge of Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
10	E 2—74633*	500	The Post Master General Punjab, Murree.
11	E 20—73180*	100	Lukhmi Das, care of Sirdar Soojan Sing and Goordit Sing, Contractors, Sudder Bazar, Rawalpindi.
12	E 20—62010	100	Mr. W. Donnelly, care of Mr. Cowly, Mean Meer.
	„ —75801	100	

* Belonging to Agency No. 1, Rawalpindi.

LAHORE,
The 2nd August 1884.

W. H. EGERTON,
for *Depy. Commr. of Paper Currency.*

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
18	B 84—32043	100	Manager, National Bank of India, Limited, Madras.
19	B 78—53098	50	V. Annamalai Mudali, late Toddy Contractor, Erode.
	B 73—25070	100	
	B 79—91524	100	
	B 84—09111	100	
	„ —15260	100	
	„ —18513	100	
	„ —18248	100	
	„ —22991	100	
	„ —24988	100	

FORT SAINT GEORGE,
The 28th July 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl.,
In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 5th August 1884.

Birks, A. R.	Martin, Mrs. F. C. E.	Stonhill, W. J.
Burney, P.	McLaughton, E.	Warren, Thos.
Chase & Co., B. L.	Meyer, B.	Wilson, F. G.
Comti, T.	Ricketts, D.	Young, T. G.
Davies, W. Rochfort.	Roften, Ignatz.	Zallach, Fecheskeil.
Hill, F.	Smith, W. H. Forester.	

Letters marked "Care of Post Office."

A. B. C.	Fitzherbert, A. J.	Piot, Monsieur.
A. V.	Fletcher, Mr.	Reynolds, Charles.
"Admirer."	G. R.	Robinson, Ellen.
"Agency House."	Gabriel, J.	Roda, Augusto.
Alice, Mrs.	Glasson, J. St. Clair.	Rubete, Manuel G.
Anderson, Hubert.	Goddard, G.	Sadler, W.
Andrews, J.	Graham, R. W.	Schubert, Herrn Oscar.
Baggs, W. H.	H. C.	Selous, Edmund.
Bernon, T.	H. M. W.	Shaw, J. W.
Bezbaron, G.	Harman, J. M.	Smith, J. B.
Bowen, Mrs. M. A.	Jackson, J. A.	Steward, Yorke.
Braunstein, N.	Johnston, R. T.	Stuart, Wm.
Brincat, Salvator.	Jones, Frank M.	Tabone, Govanni.
Britton, M.	K. M. W.	Thomas, D.
Brooks, L.	Livingston, Archibald.	Thomas, Miss Tamar.
Chapman, Frank.	Lynum, R.	Tod, Peter.
Cherkis, Herah.	Mackinnon, T. A. B.	Vandermont, T.
Crolly, Austin.	Matson, E.	Vaz, Richard.
DeBretton, Mrs.	Mawson, J. R.	Virtes.
Douglas, E. G.	"Merchant."	Wade, Mrs. E.
E. B.	Morier, W.	Williams, Mostyn.
E. S. H.	Nigomar, Victor.	Williamson, W. F.
Farrow, Mrs. E.	Payne, James.	X. Y. Z.
Ferrell, J. B.	Phœnix, J.	X. Z. G.

Registered Letters.

Bisnee, S. R.	"Errol."	Rustomjee, S.
Dittrich, Theodore.	Greenberg, Frederick.	Stephen, Col. S.

E. HUTTON,
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Bean, Mrs. E.	Dickson, D.	Rai Chowdhry, Keshub Chunder.
Beauclerk, Mrs.	Dowset, Mrs.	
Bhattacharjee, Preo Nath.	Gordon, Col. W.	Ram Saran Singh.
	Harvey, Robert.	Rampal Ram.
Clowes, T.	Kallov Khon Mia.	Walkem, J. W.
Deone, Dr. W.	Lalla Gonesh Lall.	

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 9th August 1884.

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Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
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Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	19th „	From Bombay.
Foreign Mails *vid* Bombay	16th „	From Bombay.*
Do. Book Post and Pattern Packets	15th „	From Bombay.
Rangoon and Moulmein	13th „	Str. *Malda.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	13th „	Str. *Commilla.*
Madras, Ceylon, Batavia, Singapore, and China	11th „	French Str. *Tibre.*

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 16, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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E. J. DEAN,
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SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 5th August 1884.

In supersession of Notifications Nos. 432 and 433, dated 12th April 1884, No. 437, dated 5th May 1884, and Nos. 445 and 446, dated 10th June 1884, the following Notifications of promotions and reversions are issued:—

No. 454.—Lieutenant-Colonels W. H. Wilkins and W. F. Badgley, Deputy Superintendents, 3rd Grade, Survey of India, having returned to duty on the forenoon of the 14th March 1884, the following reversions will take place, with effect from the same date:—

Major S. H. Cowan, S.C., Officiating Deputy Superintendent, 3rd Grade, to revert to his substantive appointment of Deputy Superintendent, 4th Grade.

Major J. R. Wilmer, S.C., Officiating Deputy Superintendent, 3rd Grade, to revert to his substantive appointment of Deputy Superintendent, 4th Grade.

Lieutenant F. B. Longe, R.E., Officiating Deputy Superintendent, 4th Grade, to revert to his substantive appointment of Assistant Superintendent, 1st Grade.

Lieutenant the Honourable M. G. Talbot, R.E., Officiating Deputy Superintendent, 4th Grade, to revert to his substantive appointment of Assistant Superintendent, 1st Grade.

No. 455.—Colonel W. M. Campbell, R.E., Deputy Superintendent, 2nd Grade, having been appointed to do special duty in England, on the expiration of his furlough, the following reversions are made, with effect from the 24th March 1884:—

Major D. C. Andrew, S.C., Officiating Deputy Superintendent, 2nd Grade, to revert to his substantive appointment of Deputy Superintendent, 3rd Grade.

Major J. R. McCullagh, R.E., Officiating Deputy Superintendent, 3rd Grade, to revert to his substantive appointment of Deputy Superintendent, 4th Grade.

Captain J. R. Hobday, S.C., Officiating Deputy Superintendent, 4th Grade, to revert to his substantive appointment of Assistant Superintendent, 1st Grade.

No. 456.—Major G. Strahan, R.E., Officiating Deputy Superintendent, 1st Grade, Survey of India, having proceeded on subsidiary leave on the afternoon of the 29th April 1884, preparatory to availing himself of the furlough granted in Military Department Notification No. 100, dated 22nd February 1884, the following temporary promotions are made, with effect fromt he same date :—

Major T. T. Carter, R.E., Deputy Superintendent, 2nd Grade, to officiate as Deputy Superintendent, 1st Grade.

Major D. C. Andrew, S.C., Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Major J. R. Wilmer, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant the Honourable M. G. Talbot, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

No. 457.—With reference to letter No. 332 S., dated 23rd July 1884, from the Government of India in the Revenue and Agricultural Department, sanctioning the absorption of the last appointment of Deputy Superintendent, 3rd Grade, from the 9th May last, the following reversions are made, with effect from the same date :—

Major J. R. Wilmer, S.C., Officiating Deputy Superintendent, 3rd Grade, to revert to his substantive appointment of Deputy Superintendent, 4th Grade.

Lieutenant the Honourable M. G. Talbot, R.E., Officiating Deputy Superintendent, 4th Grade, to revert to his substantive appointment of Assistant Superintendent, 1st Grade.

No. 458.—Mr. Joseph Smith is appointed an Assistant Surveyor, 3rd Grade, Survey of India, with effect from 1st August 1884, to fill one of the three existing vacancies.

No. 459.—Mr. William Edmund Johnson is appointed an Assistant Surveyor, 3rd Grade, Survey of India, with effect from 2nd August 1884, to fill one of the three existing vacancies.

No. 460.—Mr. C. G. S. Wood is appointed an Assistant Surveyor, 3rd Grade, Survey of India, with effect from 2nd August 1884, to fill one of the three existing vacancies.

The 6th August 1884.

No. 461.—The unexpired portion of the three months' privilege leave granted to Major M. W. Rogers, R.E., Deputy Superintendent, Survey of India, by Notification No. 435, dated 12th April 1884, is cancelled, with effect from the forenoon of the 1st instant, the date on which he returned to duty.

The 11th August 1884.

No. 462.—The following promotions are made, with effect from the forenoon of the 7th August 1884, *vice* Mr. J. O. N. James, Deputy Superintendent, 2nd Grade, who has retired, with effect from the above date :—

Major W. Barron, Deputy Superintendent, 3rd Grade, is promoted to the 2nd Grade of Deputy Superintendents.

Major M. W. Rogers, R.E., Deputy Superintendent, 4th Grade, is confirmed in the 3rd Grade of Deputy Superintendents, in which he is at present officiating.

Major H. S. Hutchinson, Assistant Superintendent, 1st Grade, is confirmed in the 4th Grade of Deputy Superintendents, in which he is at present officiating.

Lieutenant R. A. Wahab, R.E., Assistant Superintendent, 2nd Grade, is confirmed in the 1st Grade of Assistant Superintendents, in which he is at present officiating.

No. 463.—The following temporary promotions are also made, with effect from the same date :—

Lieutenant-Colonel W. H. Wilkins, Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Major J. R. Wilmer, Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant the Honourable M G. Talbot, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

G. C. DEPRÉE, *Colonel*,
Surveyor General of India.

INDO-EUROPEAN TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 11th August 1884.

No. 139.—Mr. H. C. Mance, C.I.E., Engineer and Electrician, has been granted by the Director, Persian Gulf Telegraph, furlough for six months under Section 50 of the Civil Leave Code, with effect from 26th July 1884, subject to confirmation by the Director-in-Chief, Indo-European Telegraph.

F. OLDHAM,
Examiner of Telegraph Accounts.

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

NOTIFICATION.—ESTABLISHMENT.

Indore, the 7th August 1884.

No. 7.—Mr. C. E. Gael, Executive Engineer, 2nd Grade, has been granted six months' furlough from 29th July 1884, the date on which he embarked at Madras for England.

By Order,

C. S. THOMASON, *Col., R.E.*,
Secy. to Agent to the Govr. Genl. for Central India, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 6th August 1884.

No. 2425 *G.*—Mr. M. J. Monckton, Executive Engineer for Irrigation in Meywar, is granted privilege leave for two months and twenty-nine days, with effect from the forenoon of the 7th July 1884.

No. 2429 *G.*—Lieutenant-Colonel P. W. Powlett, Resident, Western Rajputana States, is granted privilege leave for two months and twenty-nine days, with effect from the 8th September 1884, or such subsequent date as he may avail himself of the same.

No. 2439 *G.*—Major P. W. Smith, 2nd-in-Command, Merwara Battalion, is granted fifty-two days' privilege leave from the 6th August 1884, or such subsequent date as he may avail himself of the same.

The 7th August 1884.

No. 2463 *G.*—Surgeon D. ff. Mullen, Medical Officer of the Meywar Agency, availed himself, on the afternoon of the 2nd August 1884, of the privilege leave granted him in this Office Notification No. 1855 G., dated 23rd June 1884.

The 8th August 1884.

No. 2470 *G.*—Lieutenant-Colonel A. Conolly, Commandant, Meywar Bhil Corps, and Political Superintendent, Hilly Tracts, Meywar, is granted privilege leave for fifty days, with effect from the 12th August 1884, or such subsequent date as he may avail himself of the same.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF COORG.

NOTIFICATIONS.

Bangalore, the 9th August 1884.

No. 9.—It is hereby notified under Section 6 of Act X of 1870 (The Land Acquisition Act), that the undermentioned land is required for a public purpose by the Somvarpet Municipality, *viz.*, for the purpose of a cart-stand within the Municipality :—

The land needed measures thirty feet from east to west, and sixty-six feet from north to south, and is bounded on the east by the public road from Mercara, on the north by Brahman Shamana's back yard and threshing-ground, on the south by Santhamalliah's field, and on the west by a mango tree. It is registered in the name of Lingegowda, of Chowdlu village in Yedevanad of the Nanjarajpatna Taluk.

A plan of the land has been made, and can be inspected at the Office of the Commissioner of Coorg, Mercara.

No. 10.—It is hereby notified under Section 6 of Act X of 1870 (The Land Acquisition Act), that the undermentioned land is required for a public purpose by the Somvarpet Municipality, *viz.*, for the purpose of opening a new road between the Billimagada and Devangada Streets within the Municipality :—

The land needed measures one hundred and one feet from east to west and twenty-nine feet from north to south, and is situated to the front of the Nad Cutcherry at Somvarpet. It is registered in the name of Malapa and Somaya of Somvarpet in Yedevanad of the Nanjarajpatna Taluk.

A plan of the land has been made and can be inspected at the Office of the Commissioner of Coorg, Mercara.

By Order,

H. WYLIE, *Major*,
Secretary to the Chief Commr. of Coorg.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 7th August 1884.

No. 37.—Lieutenant E. Townshend, R.E., Assistant Engineer, 2nd Grade, is transferred from the Sirhind-Lahore Command, Military Works, to the Beluchistan Circle.

J. J. McLEOD INNES, *Colonel, R.E.*,
Inspr. Genl. of Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 7th August 1884.

No. 40.—Mr. P. T. S. Large, Executive Engineer, 2nd Grade, has been granted by Her Majesty's Secretary of State for India an extension of leave for fourteen days in continuation of that notified in Director General's Notification No. 60, dated 2nd November 1883.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

RAJPUTANA-MALWA RAILWAY. (Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATION.

Ajmere, the 7th August 1884.

No. 10.—Mr. C. A. R. Crommelin, Assistant Traffic Superintendent, Rajputana-Malwa Railway, is granted twelve months' leave out of India on medical certificate and ten days' subsidiary leave, with effect from the afternoon of the 11th July 1884.

H. DANGERFIELD,
Offg. Manager.

CHIEF COMMISSIONER OF AJMERE-MERWARA, IN THE PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Mount Abu, the 6th August 1884.

No. 2004 *S.*—The land designated below being required for public purpose, *viz.*, for Qaisar Bagh, declaration is made accordingly :—

District.	Pergunnah.	Village.	Area required. Permanent.	Temporary.	Total.	Purpose for which required.	Remarks.
			Bighas Bis.	*Bighas Bis.*	*Bighas Bis.*		
Ajmere	Ajmere	Ajmere	17 1	. .	17 1	For Qaisar Bagh	The plan of the land may be seen at the Office of the Assistant Commissioner, Ajmere-Merwara.

This declaration is made under Section 6 of Act X of 1870 (The Land Acquisition Act), and the Assistant Commissioner of Ajmere is hereby directed to take orders for the acquisition of the land specified above under Section 7 of that Act.

By Order,

H. Y. MURRAY, *Lieut.-Col.,*

Offg. Secy. to the Chief Commr., Ajmere-Merwara, in the P. W. D.

Statement of the Affairs of the Bank of Bengal for the week ending 11th August 1884.

LIABILITIES.	₹	a.	p.	₹	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,436	4	4
Public Deposits at Head Office	70,42,715	6	9			
Public Deposits at Branches	1,43,34,175	4	1	2,13,76,890	10	10
Other Deposits at Head Office and Branches				2,15,72,035	9	7
Bank Post Bills, &c.				5,24,486	1	2
Sundries				12,14,922	14	1
RUPEES				6,88,47,771	8	0

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				84,86,612	0	0
Other authorized Investments				42,96,312	8	0
Loans on Government and other authorized Securities				90,07,402	13	3
Accounts of Credit on Government and other authorized Securities				65,22,263	10	1
Bills discounted and purchased				1,34,25,613	1	7
Balances with other Banks				7,45,602	7	0
Bullion				1,547	8	0
Dead Stock				11,77,728	0	10
Stamps				8,821	14	0
Sundries				7,39,188	11	2
				4,44,11,092	9	11
Cash and Currency Notes at Head Office	84,33,349	1	0			
Cash and Currency Notes at Branches	1,60,03,329	13	1	2,44,36,678	14	1
RUPEES				6,88,47,771	8	0

BANK OF BENGAL,
Calcutta, 14th August 1884.

J. GORDON,
Chief Accnt. & Depy. Secretary.

By order of the Directors,
W. D. CRUICKSHANK
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.
Percentage 54·9.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department, received in the Office of the Accountant General, Public Works Department, up to the 6th August 1884.

Order of receipt.	State Railways (Capital). Accounting Offices.	Last month for which received.	Date of receipt.
1	Umrisar-Pathankote	May 1884	July 8, 1884
2	State Rys., Stores Branch.	Do. "	Do. 12, "
3	N.-W. P. & Oudh Light Ry. Surveys.	Do. "	Do. 14, "
4	Cuddapah-Nellore	Do. "	Do. 17, "
5	Bengal-North-Western	Do. "	Do. 19, "
6	Punjab Northern	Do. "	Do. 23, "
7	Bhopal, Nagpur-Chhattisgarh, Wardha Coal	Do. "	Do. 24, "
8	Assam Rys. Surveys	Do. "	Do. 25, "
9	Nalhati, West-Beerun	Do. "	Do. 28, "
10	Rewari-Ferozepore	Do. "	Do. 28, "
11	Sindia, Bellary-Kistna	Do. "	Do. 29, "
12	Dacca-Mymensing	Do. "	Do. 29, "
13	Bombay Ry. Surveys		
14	Southern Mahratta		
15	Burdwan-Hemchanda Railway Surveys.	Do. "	Do. 30, "
16	Holkar, Jhansi-Manickpur	Do. "	Do. 31, "
17	Madras Ry. Surveys		
18	Rajputana		
19	Calcutta & South-Eastern, Indus Valley, Kaunia-Dhurla, Kokilamukh, Sind-Pishin, Bharwagar-Gondal (Land Charges.)	Do. "	Aug. 1, "
20	Northern Bengal	Do. "	Do. 4, "
21	Tirhoot, Bengal Central, Kaudahar, Ranaghat-Bhagwangola	Do. "	June 19, " April 23, "
22	Bengal Ry. Administrative Charges.	Do. "	Do. 30, "
23	British Burmah Rys.	Do. "	July 1, "
24	Bengal Ry. Surveys	Do. "	Do. 7, "
25	East Indian	Do. "	Do. 10, "
26	N.-W. P. & Oudh Subsidized Ry.	Do. "	Do. 11, "
27	Cawnpore-Achnera	Do. "	Do. 16, "
28	N.-W. P. & Oudh Provl.	Do. "	Do. 21, "
29	Former States. Bhavnagar-Gondal	May 1884	July 23, 1884
30	Nizam's	Do. "	Do. 26, "

Order of receipt.	Public Works (Buildings and Roads and Western Works Branch) and Telegraph. Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	May 1884	July 14, 1884
2	Central Provinces	Do. "	Do. 22, "
3	Rajputana	Do. "	Do. 26, "
4	Hyderabad (Imperial) Hyderabad Assigned Districts.	Do. "	Do. 26, "
5	Central India	Do. "	Do. 28, "
6	Assam	Do. "	Do. 28, "
7	British Burmah	Do. "	Do. 28, "
8	Coorg	Do. "	Do. 31, "
9	Madras	Do. "	Aug. 4, "
10	North-Western Provinces and Oudh.	Do. "	Do. "
11	Port Blair	April "	June 17, "
12	Burmah Road Command	Do. "	Do. 26, "
13	Bengal	Do. "	Do. 26, "
14	Bombay	Do. "	Do. 26, "
15	Military Works Branch	Do. "	July 12, "
16			
1	Telegraph. Indo-European Telegraph	April 1884	July 12, 1884
2	Indian Telegraph	Do. "	Do. 14, "

Order of receipt.	Irrigation. Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	May 1884	July 14, 1884
2	Rajputana	Do. "	Do. 22, "
3	Bombay	Do. "	Do. 26, "
4	British Burmah	Do. "	Do. 28, "
5	Madras	Do. "	June 27, "
6	Bengal	Do. "	July 8, "
7	North-Western Provinces and Oudh.	Do. "	
1	Guaranteed Railways. State Rys., Stores Branch.	May 1884	July 12, 1884
2	Punjab	Do. "	Do. 14, "
3	Madras	Do. "	Do. 21, "
4	Bombay	Do. "	Aug. 4, "
5	Bengal	April "	June 26, "
6	North-Western Provinces and Oudh.	Do. "	July 7, "

A. G. BEGBIE, *Major, R.E.,*
Deputy Accountant General, P. W. Dept.

Simla, the 7th August 1884.

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

Date.	Silver tendered. Estimated value.	Certificates issued on		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Aug. 4	. . .	. . .	. . .	10	87,57,801	69,25,563
„ 5	. . .	. . .	. . .	10	87,57,801	69,25,503
„ 6	. . .	. . .	36	10	87,57,838	69,25,600
„ 7	. . .	. . .	. . .	10	87,57,838	69,25,600
„ 8	. . .	. . .	. . .	10	87,57,838	69,25,600
„ 9	. . .	. . .	. . .	10	87,57,838	69,25,600

R. V. RIDDELL, *Major, R.E.*,
Mint Master.

CALCUTTA MINT,
The 11th August 1884.

CURRENCY NOTES.

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

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		₹	
9	D 17—63337	50	Moulvi Obaid-ul-Rahman, Mirzapur.

ALLAHABAD,
The 13th August 1884.

A. H. ANTHONY,
Assistant Accountant General, in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
113	P 77—27641	100	Mr. J. Tripe, Muzafferpore.
114	P 47—66849	1,000	Mst. Munia, care of Baboo Pitam Roy, Vakeel, Sitapur.
„	—67589	1,000	
„	—87512	1,000	
115	R 9—67130	100	Messrs. T. F. Brown & Co., Limited, Calcutta.
116	P 40—36201	50	Rev. W. H. Ball, care of Inspector J. W. Bell, 169, Bow Bazar St., Calcutta.
„	—36202	50	
„	—36203	50	
117	P 76—31365	100	Baboo Bolye Chand Dutt, 5, Old Post Office St., Calcutta.

CALCUTTA,
The 15th August 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Calicut Circle.

NOTES WHOLLY LOST OR DESTROYED.

No. of Note.	Value.	Name of Claimant.
	₹	
J 1—06687	1,000	Bigandenahulli Basana Setty, merchant, Mamool Petta, Bangalore.

CALICUT,
The 8th August 1884.

B. C. LEGGATT,
Depy. Collr., in charge of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Simla, the 8th August 1884.

NORTH-WESTERN PROVINCES CIRCLE.

No. 5526.—Mr. W. E. Douglas is appointed to officiate as a 1st Grade Superintendent.

Lalla Pearilal is appointed to officiate as a 2nd Grade Superintendent.

Mr. M. Byrne is appointed to officiate as a 3rd Grade Superintendent.

Mr. J. Hogan is appointed to officiate as a 4th Grade Superintendent.

P. SHERIDAN,
for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 13th August 1884.

Alcock, Ashdown & Co.	Highcozoney, M. D.	Row, G. T. & Co.
Barclay, P. D.	Hinder, Mrs.	Smith, Patrick.
Batten, W.	Meyer, B.	Warren, Thos.
Comti, T.	Peel, H.	Wilson, F. G.
Daving, P.	Reynolds, J. A.	Young, T. G.
Daveny, W. Rochfort.		

Letters marked "Care of Post Office."

A. B. C	E. S. H.	Morier, W.
A. V.	Farrow, Mrs. E.	Nigomar, Victor.
"Admirer."	Ferrell, J. B.	Payne, James.
"Agency House."	Fitzherbert, A. J.	Phœnix, J.
Alice, Mrs.	Fletcher, Mr.	Plot, Monsieur.
Anderson, Hubert.	G. R.	Reynolds, Charles.
Andrews, J.	Gabriel, J.	Robinson, Ellen.
Baggs, W. H.	Glasson, J. St. Clair.	Roda, Augusto.
Bernon, T.	Goddard, G.	Sadler, W.
Bezbaron, G.	Graham, R. W.	Schubert, Herrn Oscar.
Bowen, Mrs. M. A.	H. C.	Selous, Edmund.
Braunstein, N.	H. M. W.	Shaw, J. W.
Brincat, Salvator.	Jackson, J. A.	Smith, J. B.
Britton, M.	J. E. M.	Tabone, Govanni.
Brooks, L.	Johnston, R. T.	Thomas, D.
Butler, T. P.	Jones, Frank M.	Tod, Peter.
Chapman, Frank.	K. M. W.	Vandermont, T.
Cherkis, Herah.	Livingston, Archibald.	Vaz, Richard.
Clarkson, Dr. Booth.	Lynum, R.	Virtes.
Cooper, H.	Mackinnon, T. A. B.	Wade, Mrs. E.
Crolly, Austin.	Matson, E.	Williams, Mostyn.
DeBretton, Mrs.	Mawson, J. R.	Williamson, W. F.
Dittmoo, H.	"Merchant."	X. T. Z.
Douglas, E. G.	Moore, Miss Claude,	X. Z. G.
E. B.		

Registered Letters.

Bisnee, S. R.	"Errol."	Greenberg, Frederick.
Dittrich, Theodore.	Fairweather, J.	Rustomjee, S.
D'Silva, John.		

E HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 11th August 1884.

Bean, Mrs. E.	Dickson, D.	Rai Chowdhry, Koshub Chunder.
Beauclerk, Mrs.	Dowset, Mrs.	Ram Saran Singh.
Bhattacharjee, Preo Nath.	Gordon, Col. W.	Rampal Ram.
	Harvey, Robert.	Walkem, J. W.
Clowes, T.	Kalloy Khon Mia.	
Deone, Dr. W.	Lalla Gonesh Lall.	

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 16th August 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Foreign Mails *vid* Bombay	16th August	From Bombay.*
Madras and Ceylon	20th „	P. & O. Str. *Valletta.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	19th „	From Bombay.
Foreign Mails *vid* Bombay	23rd „	From Bombay.†
Do. Book Post and Pattern Packets	22nd „	From Bombay.
Rangoon and Moulmein	20th „	Str. *Pemba.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	20th „	Str. *Bushcer.*
Straits and Hong-Kong	19th „	Strs. *A. Apcar* and *Taisang.*

* Also for Cape Colonies through United Kingdom; also *vid* Aden for Zanzibar, Lamoo, Mambaza, Kilwa Kivinjee and Lindi, Mozambique, Delagoa Bay, Cape Colonies, can be forwarded.

† Also for Cape Colonies through United Kingdom; also *vid* Aden for Mauritius, Mahe (Seychelles), Mayotte, Nossi Be, and Reunion can be forwarded.

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

E. HUTTON,
Presidency Post Master.

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

	₹	a.	p.
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List of Officers of the Public Works Department, Bengal. Corrected up to 1st January 1884. *Price, 6 annas; postage, 1 anna 6 pies.*

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List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. GAMBLE, M.A., Assistant Conservator of Forests, Bengal. *Price, R1-8; postage, 1 anna.*

Report on the Census of Calcutta and its Suburbs, 1881. *Price R4; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1882-83. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

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Report on the Census of Bengal, 1872. By H. BEVERLEY, Esq., C.S., Registrar-General of Bengal. *Price, R10; postage, 9 annas.*

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, R3; postage, 4 annas.*

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A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. WESTLAND, Esq., C.S., late Magistrate and Collector of Jessore. *Price, R3; postage, 3 annas.*

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E. N. BAKER,
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 23, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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E. J. DEAN,
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TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 12th August 1884.

Offices reported opened and closed during the month of July 1884:—

Name of Station.	Where situated.	Date.	Remarks.
Agar .	Central India .	21st .	Opened.
Beadon Square .	Calcutta . .	5th .	Ditto.
Bow Bazar .	Ditto . .	5th .	Ditto.
Calingapatam .	Ganjam Dist. .	15th .	Ditto.
Chandernagore .	Bengal . .	19th .	Ditto.
Chunian .	Punjab . .	23rd .	Ditto.
Dharamtala .	Calcutta . .	5th .	Ditto.
Diamond Island .	British Burmah .	26th .	Closed.
Durbhunga .	Behar . .	12th .	Opened.
Khoolna .	Bengal . .	16th .	Ditto.
Kidderpore .	Calcutta . .	5th .	Ditto.
Mainpuri .	N.-W. Provinces .	5th .	Ditto.
Mozufferpore .	Behar . .	30th .	Ditto.
Nattore .	Bengal . .	23rd .	Ditto.
Ongole .	Madras Presdy. .	31st .	Ditto.
Rayapuram .	Madras . .	9th .	Closed.
Seebpore .	Suburbs of Calcutta.	10th .	Opened.
Sooree .	Bengal . .	1st .	Ditto.
Sowcarpett .	Madras . .	12th .	Ditto.
	Railway.		
Kishengunge .	Rajputana-Malwa State Ry.	1st .	Opened.
Raghunathpura .			
Umballa .	Punjab and Delhi Ry.	1st .	Ditto.
Belalpore .	Sirhind Canal .	6th .	Closed.
Hajeepore .	Tirhoot State Ry.	5th .	Opened.
Weingunga .	Nagpur-Chattisghur State Ry.	1st .	Ditto.
Ramdroog .	Bellary-Kistna State Ry.	June 22	Ditto.
Rungapuram .		„ 24	Ditto.
Badhari Kolan .	Cawnpore-Achneyra State Ry.	12th .	Ditto.
Marehra .		12th .	Ditto.
Muttra .		14th .	Closed.
Jangapillai .	Kurnool-Cuddapah Canal.	10th .	Opened.
Kistnapuram .		10th .	Ditto.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

BANK OF BENGAL.

Proceedings at the Annual General Meeting of the Proprietors and Shareholders of the Bank of Bengal, held on Monday, the 11th August 1884, in terms of Section 49 of the Presidency Banks' Act, 1876.

MR. J. J. J. KESWICK, President of the Board of Directors, in the Chair.

The Secretary having read the advertisement convening the Meeting, the Chairman submitted the papers, noted below, relative to the business for the year ended 30th June last.

On the motion of the Chairman, seconded by Mr. D. G. Landale, the accounts for the year were approved and passed.

On the motion of Mr. D. G. Landale, seconded by Mr. L. P. D. Broughton, Mr. J. J. J. Keswick and Mr. C H. Moore were re-elected Directors.

On the motion of the Chairman, seconded by Mr. J. J. Guise, Mr. H. W. I. Wood and Mr. W. A. Browne, of Messrs. Browne and Lovelock, Chartered Accountants, were elected Auditors for the ensuing year, and their remuneration was fixed at ₹2,500 for each audit, or ₹1,250 to each Auditor.

The Proceedings terminated with a vote of thanks to the Chairman, proposed by Mr. David Cowie, and carried unanimously.

J. J. J. KESWICK,
Chairman.

I. Copy of the Statement of the affairs of the Bank on 31st December 1883, transmitted to Government agreeably to Section 43, Act XI of 1876.

II. Directors' Report of the half-year ended 31st December 1883, and the Report of the Auditors.

III. Copy of the Statement of the affairs of the Bank on 30th June 1884, transmitted to Government agreeably to Section 43, Act XI of 1876.

IV. Directors' Report for the half-year ended 30th June 1884, and the Report of the Auditors.

V. Statement of the Profits for six months, *viz.*, from 1st July to 31st December 1883.

VI. Statement of the Profits for six months, *viz.*, from 1st January to 30th June 1884.

VII. Statement of the whole Profits for twelve months, *viz.*, from 1st July 1883 to 30th June 1884.

VIII. List of Proprietors and Shareholders.

SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

NOTIFICATION.

Mussoorie, the 15th August 1884.

No. 12.—Mr. W. C. G. Barckley, Assistant Surveyor, 1st Grade, Survey of India, is granted one month's privilege leave, under Section 136, Chapter X, of the Civil Leave Code, with effect from the 25th August 1884, or such subsequent date as he may be able to avail himself of it.

J. B. N. HENNESSEY,
Depy. Surveyor General, in charge, Trigonometrical Surveys.

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

The undermentioned Students have passed the First Examination in Engineering :—

SECOND DIVISION.

In Order of Merit.

Ghosh, Tarakchandra . .	Govt. Engrg. College, Howrah.
Hpo Thine . . .	Ditto.
Sorabji Shavaksha . .	Ditto.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 21st August 1884.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 16th August 1884.

No. 2565.—Lieutenant W. A. Watson, Officiating Adjutant, 2nd Regiment, Central India Horse, is granted sixty days' privilege leave, with effect from the 1st September or from such subsequent date as he may be permitted to avail himself of it.

By Order,
M. J. MEADE,
2nd Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 11th August 1884.

No. 2512 *G.*—First Class Hospital Assistant Khoda Bux is permitted to resign the service of Government, with effect from the 15th July 1884.

No. 2513 *G.*—Third Class Hospital Assistant Abdool Ahud, of the Government Reserve List, is appointed in the room of 1st Class Hospital Assistant Khoda Bux to the Northern India Salt Revenue Hospital at Phalodi.

No. 2514 *G.*—Second Class Hospital Assistant Mahomed Hosein, attached to the Hospital of the Kotra Assistant Agency, is granted three months' privilege leave from the 31st July; and 1st Class Hospital Assistant Munram Sing, of the Reserve List of Hospital Assistants for Native States, is appointed to officiate during his absence.

No. 2515 *G.*—First Class Hospital Assistant Alleemooddeen, attached to the Hospital of the Eastern Rajputana Agency, is granted one month's privilege leave from the afternoon of the 29th July 1884, and Passed Medical Pupil (No. 500) Futteh Mohamed, of the Government Reserve List, is appointed to officiate during his absence.

No. 2516 *G.*—The following transfers have been made in the Civil Hospital Assistant Establishment in Rajputana :—

Class.	Name.	From	To	Date of transfer.
1st .	Bhowany Sing .	Oodeypore Raj Dispensary.	Native State Reserve List.	1884. 1st Aug.
2nd .	Gunga Schaie .	Government Reserve List.	Oodeypore Raj Dispensary.	Ditto.
2nd .	Mahomed Bux .	Native State Reserve List.	Raj Dispensary, Pertabgurh.	18th July
2nd .	Abdool Wahab .	Raj Dispensary, Pertabgurh.	Government Reserve List.	Ditto.

No. 2522 *G.*—Major O'Moore Creagh, V.C., Commandant, Merwara Battalion, returned to duty on the 5th August 1884, from the ninety days' privilege leave granted to him in this Office Notification No. 1104 G., dated 30th April 1884.

The 12th August 1884.

No. 2527 *G.*—With reference to this Office Notification No. 1258 G., dated 14th May 1884, Lieutenant-Colonel C. B. Euan-Smith, C.S.I., and Colonel C. K. M. Walter, respectively, made over and received charge of the Meywar Residency, on the forenoon of the 7th August 1884.

The 18th August 1884.

No. 2553 *G.*—Major P. W. Smith, 2nd-in-Command, Merwara Battalion, availed himself, on the 10th August 1884, of the privilege leave granted him in this Office Notification No. 2439 G., dated 6th August 1884.

No. 2555 *G.*—Second Class Hospital Assistant Teja Sing (No. 119), doing duty with the Deoli Irregular Force, is granted sixty days' privilege leave of absence from the 2nd September, or from such subsequent date as he may avail himself thereof.

By Order,
W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

Bangalore, the 16th August 1884.

No. 11.—C. Timmaya, Subedar of the Yelsavirashime Taluk, is granted leave on private affairs for three months, under Section 130 of the Civil Leave Code, from such date as he may avail himself of it.

Kuttetti Chengappa, Parpattigar of Mercara-Halerinad, is appointed to act as Subedar of the Yelsavirashime Taluk, during C. Timmaya's absence, or until further orders.

By Order,
H. WYLIE, *Major,*
Secretary to the Chief Commr. of Coorg.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 14th August 1884.

No. 38.—Lieutenant F. Peel, R.E., Assistant Engineer, 1st Grade, is appointed to officiate as Executive Engineer, Umballa Division, Military Works, during the absence of Major B. J. Goldie, R.E., Executive Engineer, on privilege leave.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

Statement of the Affairs of the Bank of Bengal for the week ending 19th August 1884.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,59,351	4	4
Public Deposits at Head Office . (₹ 85,81,775 0 2)	2,09,14,337	8	10
Public Deposits at Branches . (₹ 1,23,32,562 8 8)			
Other Deposits at Head Office and branches	2,16,22,641	14	2
Bank Post Bills, &c.	5,54,613	11	7
Sundries	12,22,666	1	4
RUPEES	6,84,73,610	8	3

ASSETS.	₹	a.	p.
Government Securities	82,00,742	0	0
Other authorized Investments	42,56,620	0	0
Loans on Government and other authorized Securities	87,25,678	15	11
Accounts of Credit on Government and other authorized Securities	70,01,389	7	9
Bills discounted and purchased	1,41,62,258	9	1
Balances with other Banks	7,97,297	10	3
Bullion	1,432	8	0
Dead Stock	11,78,455	3	1
Stamps	9,526	10	0
Sundries	7,11,138	9	1
	4,50,44,539	3	2
Cash and Currency Notes at Head Office . (₹ 96,62,352 12 1)	2,34,29,071	5	1
Cash and Currency Notes at Branches . (₹ 1,37,66,718 9 0)			
RUPEES	6,84,73,610	8	3

BANK OF BENGAL,
Calcutta, 21st August 1884.

J. GORDON,
Chief Accnt. & Depy. Secretary.

By order of the Directors,
W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.
Percentage 52·8.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Departments.
1884.	₹	₹	₹	₹	₹	₹
Aug. 11	. . .	. . .	. . .	10	87,68,908	69,25,600
„ 12	5,63,831	. . .	. . .	5,63,841	87,68,908	69,25,600
„ 13	Holiday.					
„ 14	4,70,860	. . .	. . .	10,34,701	87,68,908	69,25,600
„ 15	. . .	. . .	6	10,34,691	87,68,915	69,25,607
„ 16	. . .	. . .	. . .	10,34,691	87,68,915	69,25,607

R. V. RIDDELL, *Major, R.E.*,
Mint Master.

CALCUTTA MINT.
The 18th August 1884.

CURRENCY NOTES.

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

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
118	. R 9—78016	. 100	Narpolee Shaw, care of Goods Clerk, Gya.
119	. P 45—38661	. 500	Jwahir Mull Gumber Mull,
	R 9—52757	. 100	No. 77, Cotton Street,
	„ —16077	. 100	Calcutta.
120	. P 40—33904	. 50	Babu Suvarna Kumar Roya, Dibrugurh.
121	. P 77—67320	. 100	The Officiating Postmaster-General, Bengal.

CALCUTTA,
The 22nd August 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
22	. B 45—41878	.1,000	Bigadenahulli Basava
	„ —41879	.1,000	Setty, Bangalore.
23	. B 78—41424	. 50	M. M. Kesava Chetty & Co., Dharmapuri.

FORT ST. GEORGE,
The 11th August 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl., In charge of Paper Currency Dept.

Rangoon, B. B., Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
W1	. Q 5—01337	. 50	Dr. P. G. Paul, Civil Surgeon, Mergui, British Burma.
	Q 6—01374	. 100	

RANGOON,
The 12th August 1884.

W. D. COWLEY,
Assistant Comptroller, Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 21st August 1884.

Alcock, Ashdown & Co.	Drury, G. M.	Peel, H.
Bagley, F. R.	Gresback, C. A.	Reynolds, J. A.
Barker, Capt. C. F.	Higheozoney, M, D.	Smith, Patrick.
Ben-Asiz, Moise.	Hinder, Mrs.	Theobald, W.
Brett, D. T.	Menexes, C.	Watson, James.
Grinkmann & Co.	Nash, F.	Westwood, W. G.
Davcny, W. Rochfort.		

Letters marked "Care of Post Office."

A. B. C.	Farrow, Mrs. E.	Montague, Phillip.
A. V.	Ferrell, J. B.	Moore, Miss Claudia.
"Admirer."	Fitzherbert, A. J.	Nigomar, Victor.
"Agency House."	G. R.	Payne, James.
Alice, Mrs.	Gabriel, J.	Phœnix, J.
Anderson, Hubert.	Glasson, J. St. Clair.	Piot, Monsieur.
Andrews, J.	Goddard, G.	Reynolds, Charles.
Baggs, W. H.	Graham, R. W.	Roberson, Frank.
Bernon, T.	H. C.	Robinson, Ellen.
Bezbaron, G.	H. M. W.	Sadler, W.
Bowen, Mrs. M. A.	Harman, J. M.	Schubert Herrn Oscar.
Braunstein, N.	Hodgut, William.	Selons, Edmund.
Brincat, Salvator.	Howard, C. O. S.	Shaw, E. A.
Britton, M.	Jackson, J. A.	Smith, J. B.
Brooks, L.	Johnston, R. T.	Tabone, Govanni.
Butler, T. P.	Jones, Frank M.	Tod, Peter.
Chapman, Frank.	K. M. W.	Vandermont, T.
Cherkis, Herah.	Leech, J.	Vaz, Richard.
Clarkson, Dr. Booth.	Livingston, Archibald.	Virtes.
Cooper, H.	Lynum, R.	Williams, Mostyn.
Crolly, Austin.	Mackinnon, T. A. B.	Williamson, W. F.
DeBretton, Mrs.	Matson, E.	X. T. Z.
Dittmoo, H.	Mawson, J. R.	X. Z. G.
Douglas, E. G.	"Merchant."	Young, Mrs. J.
E. S. H.		

Registered Letters.

Barker, Master W. H.	"Errol."	Greenberg, Frederick.
Bisnee, S. R.	Fairweather, J.	Rustomjee, S.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 18th August 1884.

Bean, Mrs. E.	Deane, Dr. W.	List, J. H.
Beauclerk, Mrs.	Diaram.	Mills, G.
Creak, Major H. C.	Gantzer, D. A.	Speas, Leit.
Dass, Kali Podo.	Gordon, Col. W.	Wilson, W. A.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 23rd August 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Foreign Mails *viâ* Bombay	22nd August	From Bombay.*
Akyab and Rangoon	24th „	Private Str. *Mahzada.*
Madras and Ceylon	3rd Sept.	P. & O. Str. *Nepaul.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	2nd „	From Bombay.
Foreign Mails *viâ* Bombay	30th August	From Bombay.†
Do. Book Post and Pattern Packets	29th „	From Bombay.
Rangoon and Moulmein	27th „	Str. *Pursha.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	27th „	Str. *Cocanada.*
Port Blair and Camorta	28th „	Str. *Maharani.*

Also for Cape Colonies through United Kingdom; also *viâ* Aden for Mauritius, Mahe (Seychelles), Mayotte, Nossi Be, and Reunion can be forwarded.

† Also for Cape Colonies through United Kingdom can be forwarded.

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

E. HUTTON.
Presidency Post Master.

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	₹	a.	p.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 30, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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SECOND DIVISION.

In Order of Merit.

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Hpo Thine . . . Ditto.
Sorabji Shavaksha . . Ditto.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 21st August 1884.

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 25th July 1884.

MEMORANDUM FOR CIRCULATION.

The application of the electric telegraph to finding differences of longitude being only of comparatively recent date, the Great Trigonometrical Survey of India was necessarily based on the best value of longitude available from celestial observations at the time the Survey was begun: accordingly the longitude of the Madras Observatory was adopted for the origin of the Survey. Various improved provisional values of longitude for this origin have since been published by the Government Astronomer, corresponding to the aggregating celestial observations; of these provisional values only the two following need be given here numerically, *viz.*:—

Values of longitude of the Madras Observatory.

Provisional.

(A). Adopted by the Great Trigonometrical Survey in *all* its publications . . 80° 17′ 21″

(B). Adopted in all the Atlas Sheets of India . 80° 18′ 30″

In addition we are now able to state also the value—

(C). Determined recently through the electric telegraph . . 80° 14′ 51″ (nearly).

(2). It will be understood that the publications of the Trigonometrical Survey must continue to be exhibited in terms of the value (A), in order that all the longitudes shall be consistent with one another; at the same time, to express these longitudes in terms of the value (C), it is only necessary to diminish the former by the difference between (A) and (C), *i.e.*, by 2′ 30″. Similar remarks apply to (B), and hence the longitudes exhibited in the Atlas Sheets of India should be diminished by the difference between (B) and (C), *i.e.*, by 3′ 39″.

(3). But, from what has been said, between the period of the adoption of (A) and (B) and that of the recent determination of (C), it was necessary to accept temporarily several other values of approximate corrections than those stated in article (2), corresponding to the improved values of longitude for the Madras Observatory published from time to time; and these *different* temporary corrections have accordingly been noted on the publications and Atlas Sheets in question as the latter were printed.

(4). Now however that a (nearly) final value of the longitude of Madras Observatory, *i.e.*, (C), is known, it becomes necessary to disregard all the different temporary corrections hitherto published, and instead simply to follow the following precepts :—

To find *true longitude* from Greenwich.

(*a*). *Diminish* all the longitudes shown in the publications of the Trigonometrical Survey, including the volumes of the *Account of the Operations of the Great Trigonometrical Survey*, Charts of triangulation, &c., &c., by 2′ 30″.

(*b*). *Diminish* all the longitudes shown on the Atlas Sheets of India by 3′ 39″.

(5). It is obviously important that the facts of article (4) should be circulated for general information, and especially in maritime interests: the following note embodying the required precepts has accordingly been prepared, and copies are available on application to the Survey of India Offices at Calcutta and Dehra Dún.

Corrections to be applied to the Longitudes on Charts, Maps, &c., of the Survey of India.

NOTE.—The longitude of the Madras Observatory as recently determined by the electric telegraph is 80° 14′ 51″ or 5ʰ 20ᵐ 59ˢ·4 east of Greenwich, but in all the publications of the Trigonometrical Survey this longitude is assumed at 80° 17′ 21″, and in all the Atlas Sheets of India at 80° 18′ 30″; consequently all longitudes in the publications of the Trigonometrical Survey should be diminished by 2′ 30″ and in the Atlas Sheets by 3′ 39″, after which the resulting longitudes will be in correct reckoning *from Greenwich* and consistent with *the* value 80° 14′ 51″ of Madras Observatory. The above directions are in supersession of all others, if any, on the documents in question.

The 19th August 1884.

No. 464.—Mr. J. T. U. Coxen, Surveyor, 4th Grade, Survey of India, attached to No. 3 Beluchistan Topographical Party, is granted privilege leave for twenty-seven days, with effect from 21st August 1884, under Section 138, Chapter X, of the Civil Leave Code.

The 21st August 1884.

No. 465.—Mr. W. W. McNair, Surveyor, 4th Grade, Survey of India, having been appointed to do special duty in England for three months from the expiration of the furlough granted him in Notification No. 329, dated 2nd February 1883, the following reversions are made in continuation of Notifications Nos. 410 and 450, dated 21st December 1883, and 28th June 1884, respectively :—

Mr. C. D. Potter, Officiating Surveyor, 4th Grade, to revert to his substantive appointment of Assistant Surveyor, 1st Grade, from 28th March 1884 to 1st June 1884, both dates inclusive.

The officiating promotion of Mr. J. Newland to the 4th Grade of Surveyor will be dated 28th and not the 2nd June.

G. C. DEPRÊE, *Colonel*,
Surveyor General of India.

SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

NOTIFICATION.

Mussoorie, the 26th August 1884.

No. 13.—Mr. A. Christie, Surveyor, 3rd Grade, is allowed privilege leave for three months under Section 136, Chapter X, of the Civil Leave Code, with effect from such date as he may be able to avail himself of it.

J. B. N. HENNESSEY,
Depy. Surveyor General, in charge, Trigonometrical Surveys.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 7th August 1884.

No. 20.—The services of 3rd Grade Assistant Surgeon Nritya Lal Basack, of the supernumerary list, are placed at the disposal of the Chief Commissioner, Central Provinces.

J. M. CUNINGHAM, M.D.,
Surgeon-Genl. with the Govt. of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 21st August 1884.

No. 3.—Mr. C. E. Horsley, an Assistant Superintendent of the 1st Grade, is allowed furlough on medical certificate for twenty days, under Section 52 of the Civil Leave Code, with effect from the forenoon of the 8th August 1884.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

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

NOTIFICATION.—ESTABLISHMENT.

Indore, the 22nd August 1884.

No. 8.—Mr. F. W. M. Scott, Assistant Engineer, 1st Grade, was transferred from Indore Division to Mhow Division, with effect from the 23rd May 1884.

By Order,

C. S. THOMASON, *Col., R.E.*,
Secy. to Agent to the Govr. Genl. for Central India, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 21st August 1884.

No. 155 *J.*—This Office Notifications Nos. 34 J. and 1864 G., dated respectively the 10th May and 23rd June 1884, are hereby cancelled.

No. 2581 *G.*—Mr. A. Wingate, C.I.E., Settlement Officer, Meywar, returned to duty on the forenoon of the 4th August 1884, from the privilege leave granted to him in this Office Notification No. 246 C., dated 19th March 1884.

The 23rd August 1884.

No. 2592 *G.*—Surgeon W. W. Webb, Officiating Medical Officer of the Meywar Bhil Corps, is granted fifty days' privilege leave from the 18th August 1884, or such subsequent date as he may avail himself of the same.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

AGENT TO THE GOVERNOR GENERAL, RAJPUTANA, AND CHIEF COMMISSIONER, AJMERE-MERWARA, P. W. DEPT.

NOTIFICATION.

Mount Abu, the 23rd August 1884.

No. 2078 *S.*—Under Section 6 of Act XV of 1873, the Chief Commissioner is pleased to notify that the undermentioned gentleman having been duly elected is appointed a member of the Ajmere Municipal Committee during the absence of Mr. B. W. Blood, or until further orders :—

Mr. W. Harvey, Deputy Manager, Rajputana-Malwa Railway.

By Order,

H. Y. MURRAY, *Lieut.-Colonel*,
Offg. Secy. to the Chief Commr., Ajmere-Merwara, P. W. Dept.

ACCOUNTANT GENERAL, Public Works Department.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 26th August 1884.

No. 4.—Mr. A. H. TenBroke, Accountant, 1st Grade, and Honorary Assistant Examiner, is transferred from the Military Works Branch to the Punjab.

Mr. W. R. P. Gordon, Accountant, 1st Grade, and Honorary Assistant Examiner, is transferred from the Central Provinces to the Military Works Branch.

A. FILGATE, *Lieut.-Col., R.E.*,
Accountant General.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 20th August 1884.

No. 39.—Lieutenant G. M. Porter, R.E., Assistant Engineer, 1st Grade, is appointed to officiate as Executive Engineer of the Peshawar Division, Military Works, during the absence of Captain T. P. Cather, R.E., Executive Engineer, on privilege leave.

J. J. McLEOD INNES, *Colonel, R.E.*,
Inspr. Genl. of Military Works.

Report of a Deserter from the Royal Engineers, dated at Roorkee, N. W. P., this 26th day of August 1884.

Number, Rank, and Name,—No. 13302, Sergeant Percy Collier.	Parish and County in which Born,—Brixton, Middlesex.
Age,—29 years, boyish appearance.	Marks,—Scar inside of left thigh.
Size,—5 feet 7½ inches.	Trade,—Clerk and draftsman.
Colour of—Complexion, fair; Hair, light brown; Slight Moustache; Eyes, blue.	Coat or Jacket,— } Summer clothing as per Regulations, but believed to be wearing plain clothes.
Date of Desertion,—25th August 1884.	Waistcoat,— . }
Place of Desertion,—Roorkee.	Breeches or Trowsers,— . }
Date of Enlistment,—10th November 1875.	REMARKS,—Was granted leave of absence from 12th to 24th August 1884 to go to Serampore.
At what Place Enlisted,—Westminster, London.	Under 9 years' service.

P. BUSTON, *Lieut.*,
for *Captain, R.E.*

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED OF		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Aug. 18	. . .	. . .	2,40,530	10,34,691	87,68,915	69,25,607
,, 19	. . .	. . .	1,40,763	6,58,990	91,76,784	73,33,456
,, 20	. . .	. . .	3,66,352	4,06,393	94,50,874	76,07,563
,, 21	. . .	. . .	3,07,288	5,29,625	97,64,754	79,21,446
,, 22	4,12,539	. . .	1,23,210	7,07,907	98,90,608	80,47,300
,, 23	3,94,132	. . .				

R. V. RIDDELL, *Major, R.E.*,
Mint Master.

CALCUTTA MINT,
The 25th August 1884.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th August 1884.

PARTICULARS.	3½ per cent. Transferable Loan of 1853-54	4 per cent. Loans							4½ per cent. Loans				5 per cent. Debenture Four Loan of 1867-68.	6 per cent. Loan of 1856-57.	GRAND TOTAL.
		Of 1853-54.	Of 1855-56.	Of 1862-63.	Of 1864-65.	Transfer of 1865.	Reduced 4 per cent. Loan of 1870.	Total.	Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.	Transfer Loan of 1879, seven Shillings per cent. Portion.		
Balance of 31st July 1884	64,100	13,36,953	29,63,800	3,43,02,400	90,99,100	2,95,78,537	2,57,40,600	9,39,15,590	46,06,800	1,01,34,700	10,00,93,700	11,48,37,200	1,24,500	56,200	20,69,97,590
Transferred in London from 4½ per cent. Loan of 1879	...	...	...	...	...	...	...	...	...	...	6,58,100	6,58,100	...	...	6,58,100
Add—															
Amount enfaced at Madras between 1st and 16th August 1884	...	...	600	45,500	6,000	90,800	26,100	1,78,300	12,000	...	82,000	1,00,000	...	...	2,78,900
Amount enfaced at Bombay between 1st and 16th August 1884	...	...	...	1,02,000	40,500	1,48,900	23,000	3,14,300	...	30,000	2,35,800	2,65,800	...	...	5,79,900
Amount enfaced at Calcutta between 1st and 16th August 1884	...	...	...	40,200	18,500	1,52,000	22,800	2,33,300	...	7,100	3,89,400	3,96,500	...	...	6,29,900
	64,100	13,36,953	29,63,800	3,44,91,100	1,00,63,100	2,99,79,137	2,56,18,800	9,46,42,090	46,26,800	1,01,71,800	10,14,58,300	11,62,57,400	1,24,500	56,200	21,11,34,290
Deduct—															
Amount written off in the London Registers	...	...	2,07,700	7,00,100	1,60,500	5,11,300	13,15,300	27,94,900	1,500	7,48,100	3,65,000	11,14,600	...	...	39,09,500
Balance on 15th August 1884	64,100	13,36,953	27,55,800	3,37,91,000	99,02,600	2,94,67,837	2,43,03,500	9,18,47,190	46,25,300	94,23,700	10,10,93,800	11,51,42,800	1,24,500	56,200	20,72,24,790

NOTE.—From 9th June 1867 to 15th June 1884, enfaced from India 4,969 lakhs; re-transferred from London 4,250 lakhs.

„ 16th „ 1884 to 30th „	„	„	6 „
„ 1st July „ to 15th July	„	„	6 „
„ 16th „ to 31st „	„	„	7 „
„ 1st Aug. „ to 15th Aug.	„	„	32 „
			4,303 lakhs.

Balance against India	716 lakhs.
	5,019 lakhs.
	4,303

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL:
Calcutta, the 19th August 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 26th August 1884.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,59,351	4	4
Public Deposits at Head Office (₹ 75.61.410 12 6)	1.82.14.610	3	7
Public Deposits at Branches (₹ 1,06,53.199 7 1)			
Other Deposits at Head Office and Branches	2.42.95.705	8	4
Bank Post Bills, &c.	5,83,615	4	10
Sundries	12.19,907	3	2
RUPEES	6.84.73,189	8	3

ASSETS.	₹	a.	p.
Government Securities	77,86.752	0	0
Other authorized Investments	42.13,567	8	0
Loans on Government and other authorized Securities	81.75.649	0	5
Accounts of Credit on Government and other authorized Securities	70.16.404	5	7
Bills discounted and purchased	1.49.18.555	12	8
Balances with other Banks	7,95.917	8	8
Bullion	1.159	6	0
Dead Stock	11,78.536	13	1
Stamps	9.164	1	0
Sundries	6.68.388	0	0
	4,38.64,094	7	5
Cash and Currency Notes at Head Office (₹ 1,21,72,046 0 8)	2,46,09,095	0	10
Cash and Currency Notes at Branches (₹ 1,24,37,049 0 2)			
RUPEES	6,84.73.189	8	3

By order of the Directors.

BANK OF BENGAL,
Calcutta, 28th August 1884.

J. GORDON,
Chief Accts. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.
Percentage 55·4.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that on or about the 8th May 1884, treasure consisting of 46 gold pagodas, valued at ₹230, was found buried in the compound of Amara Ramanna of Madinapad, Palnad Taluq, Kistna District, in the Presidency of Fort St. George.

All persons claiming the treasure, or any part thereof, are required to appear personally or by agent before the Collector of Kistna, at his Office, at Masulipatam, on the 22nd February 1885, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

———————,
Collector.

KISTNA COLLECTOR'S OFFICE,
MASULIPATAM,
The 20th August 1884.

CURRENCY NOTES.

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

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
123	P 45—18464	500	Babu Kamola Kant Mittra, 42, Wellington Street, Calcutta.
	P 76—33531	100	
	P 77—47113	100	
124	P 77—66634	100	Babu Gopal Chunder Srimani, 100, Cross Street, Calcutta.
125	P 76—91199	100	Inspector R. Doon, Section E. Town, Calcutta.
126	O 67—50817	100	Gulam Qadir, care of Abdul Gafor, Amritsar.
128	R 9—96076	100	Major Nicolay, care of Inspector J. Belletty, Alipore Thana.
	„ —96077	100	
	P 40—40076	50	

CALCUTTA.
The 29th August 1884.

J. TAYLOR,
Assistant Comptroller General in charge, Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
13	E 20—75882	100	Gurdial, care of Chait Ram, Dassa Mul, Bankers, Mooltan.
14	E 19—66289*	50	Officiating Assistant Inspector General, Government Railway Police, Howrah.
	D 3—003019†	100	Biseswar Nath, Commissariat Agent, Roorkee.
	„ —003020†	100	

* Belonging to Agency No. 4, Mooltan.
† Stock Notes.

LAHORE,
The 23rd August 1884.

W. H. EGERTON,
for *Depy. Commr. of Paper Currency.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 25th August 1884.

No. 6302.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

POSTAL CIRCLE, BENGAL.

Mr. J. Owens, Superintendent of the Post Office, and Personal Assistant to the Post Master General, is promoted to the 1st Grade.

Mr. W. G. O. Sullivan is appointed to officiate as Assistant Post Master, Calcutta.

P. SHERIDAN,
for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 28th August 1884.

Barker, Capt. C. F.	Drury, G. M.	Teiffenberg, Marcu.
Ben-Asiz, Moise.	Fitzgerald, J. C.	Theobald, W.
Brett, D. T.	Gamblyn, John.	Thorns, M, M.
Brinkmann & Co.	Gresback, C. A.	Westwood, W. G.
DeBurgh, J.	Smith, James.	

Letters marked "Care of Post Office"

A. B. C.	Farrow, Mrs. E.	Mawson, J. R.
A. V.	Fitzherbert, A. J.	"Merchant."
Adams, Mrs.	Fritze, Otto.	Meyer, A.
"Admirer."	G. E.	Nizomar, Victor.
"Agency House."	Gabriel, J.	Parry, John.
Alice, Mrs.	Glasson, J. St. Clair.	Payne, James.
Anderson, Hubert.	Goddard, G.	Phœnix, J.
Andrews, J.	Graham, R. W.	Piot, Monsieur.
Baggs, W. H.	H. C.	Reynolds, Charles.
Bernon, T.	H M. W.	Robinson, Ellen.
Bezbaron, G.	Harman, J. M.	Sadler, W.
Bowen, Mrs. M. A.	Hodgut, William.	Schubert Herrn Oscar.
Braunstein, N.	Howard, C. O. S.	Selons, Edmund.
Brincat, Salvator.	Hurst, W. H.	Smith, J. B.
Britton, M.	Jackson, J. A.	Stobie, J. C.
Brooks, L.	Johnston, R. T.	Tabone, Govanni.
Chapman, Frank.	Jones, Frank M.	Vandermont, T.
Cherkis, Herah.	K. M. W.	Vaz, Richard.
Cooper, H.	Livingston, Archibald.	Virtes.
Crolly, Austin.	Lynam, R.	Williams, Mostyn.
DeBoisjolis, Victoria.	Macdonald, Mrs J.	Williamson, W. F.
DeBretton, Mrs.	Mackinnon, T. A. B.	X. T. Z.
Douglas, E. G.	Matson, E.	X. Z. G.
E. S. H.		

Registered Letters.

Bisnee, S. R.	"Errol."	Robin, L.
Cherkes, Laya.	Greenberg, Frederick.	Rustomjee, S.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 25th August 1884.

Campbell, Major C. W.	Hood, Major W. C.	Nandi, Jogendro Nath.
Dass, Kali Podo.	Landale, J.	Spens, Leit.
Deane, Dr. W.	List, J. H	Stewart, A. N.
Diaram.	Moity, Gonesh Chunder.	Walker, Lieut.-Col. T. N.
Ferguson, P. R.	Murray & Co.	Wilson, W. A.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 30th August 1884.

It is hereby notified for general information that the following mail despatches to Ceylon will be made from the Calcutta General Post Office during the month of September 1884:—

DATE OF CLOSING.	ROUTE.
2nd September 1884	By P. & O. Steamer from Bombay.
3rd September 1884	By P. & O. Steamer from Calcutta.
8th September 1884	By French Steamer.
12th September 1884*	By B. I. S. N. Co.'s private vessel.
13th September 1884*	By Star Line private vessel.
16th September 1884	By P. & O. Steamer from Bombay.
17th September 1884	By P. & O. Steamer from Calcutta.
26th September 1884*	By B. I. S. N. Co.'s private vessel.
30th September 1884	By P. & O. Steamer from Bombay.

* These dates are subject to alteration in the event of departure of the vessel being delayed.

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

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (prepayment compulsory).

The postage on letters conveyed by the P. & O. and French steamers is three (3) annas per ½ oz. (prepayment optional).

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Foreign Mails *viâ* Bombay	30th August	From Bombay.*
Madras and Ceylon	3rd Sept.	P. & O. Str. *Nepal.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	2nd ,,	From Bombay.
Foreign Mails *viâ* Bombay	6th ,,	From Bombay.†
Do. Book Post and Pattern Packets	6th ,,	From Bombay.
Rangoon and Moulmein	3rd ,,	Str. *Madura.*‡
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	3rd ,,	Str. *Mahratta.*
Madras, Ceylon, Batavia, Singapore, and China	8th ,,	French Str. *Tibre.*

* Also for Cape Colonies through United Kingdom can be forwarded.

† Also for Cape Colonies through United Kingdom; also *viâ* Aden for Zanzibar, Lamoo, Mombaza, Kilwa Kivinjee and Lindi, Mozambique, Delagoa Bay, Cape Colonies, can be forwarded.

‡ Also for Port Blair can be sent by this opportunity.

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

E. HUTTON.
Presidency Post Master.

Meteorological Publications for Sale.

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

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts	8	0	0
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HENRY F. BLANFORD.
Meteorological Reporter to the Government of India.

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The Factories' Act, XV of 1881, with Rules and Forms. *Price, 2 annas and 6 pies; packing and postage, ½ anna.*

Bengali Translations of the Rules and Notifications under the Arms Act issued by the Governments of India and Bengal. *Price, 2 annas; packing and postage, 1 anna.*

Hindi Translation of the Rules and Notifications under the Indian Arms Act, 1878. *Price, As. 2; packing and postage, 1 anna.*

Urya ditto ditto. *Price, As. 2; packing and postage, 1 anna.*

Urdu ditto ditto. *Price, As. 2; packing and postage, 1 anna.*

Rules under the Inland Emigration Act, I of 1882. *Price, 8 annas; packing and postage, 3 annas.*

Annual Report on Inland Emigration for 1880-81. *Price, R1 per copy; packing and postage, 3 annas.*

Ditto ditto ditto for 1882. *Price, R1 per copy; packing and postage, 3 annas.*

Papers regarding the Tea Industry in Bengal. *Price, R3; postage, 8 annas.*

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. GAMBLE, M.A., Assistant Conservator of Forests, Bengal. *Price, R1-8; postage, 1 anna.*

Report on the Census of Calcutta and its Suburbs, 1881. *Price R4; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1882-83. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1881-82. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1879-80. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1878-79. Published by the Government of Bengal. *Price, R6; postage, 6 annas.*

Report on the Internal Trade of Bengal for the year 1877-78. Published by the Government of Bengal. *Price, R3-8; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, R5; Colored Map, R2-8.*

Report on the Cultivation of, and Trade in, Ganja in Bengal. By HEM CHUNDER KER, Deputy Collector, on special duty. *Price, R1-8; postage, 2 annas.*

Report on the Cultivation of, and Trade in, Jute in Bengal, and on Indian Fibres available for the Manufacture of Paper; with Map. By HEM CHUNDER KER, Deputy Magistrate, on special duty. *Price, R5; postage, 7 annas.*

Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MACDONNELL, of the Bengal Civil Service. *Price, R3-8; postage, 6 annas.*

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, R2; packing and postage, 3 annas.*

Report on the Census of Bengal, 1872. By H. BEVERLEY, Esq., C.S., Registrar-General of Bengal. *Price, R10; postage, 9 annas.*

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, R3; postage, 4 annas.*

Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, R2-4; packing and postage, 4 annas.*

A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. WESTLAND, Esq., C.S., late Magistrate and Collector of Jessore. *Price, R3; postage, 3 annas.*

The Bengal Administration Report for 1882-83. *Price, R6; packing and postage, 14 annas.*

The Bengal Administration Report for 1881-82. *Price, R6; packing and postage, 10 annas.*

The Bengal Administration Report for 1879-80. *Price, R6; packing and postage, 10 annas.*

The Bengal Administration Report for 1878-79. *Price, R6; packing and postage, 8 annas.*

The Bengal Administration Report for 1877-78. *Price, R4-8; postage, 8 annas.*

The Bengal Administration Report for 1876-77. *Price, R4-8; postage, 6 annas.*

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The Bengal Administration Report for 1874-75. *Price, R4-8; postage, 7 annas.*

Map of Bengal, 1874-75. *Price, if taken with the Report, R1; separately, price, R2; postage, 2 annas.*

The Bengal Administration Report for 1873-74. *Price, R4; postage, 5 annas.*

The Bengal Administration Report for 1872-73. *Price, R7-8; postage, 10 annas.*

Map of Bengal, 1873. *Price, if taken with the Report, R1; separately, price, R2; postage, 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, R3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, R1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

Vol.	I.	24-Pergunnahs and Sundarbans.
Vol.	II.	Nadiya and Jessore.
Vol.	III.	Midnapur, Hugli and Howrah.
Vol.	IV.	Bardwan, Bankura and Birbhum.
Vol.	V.	Dacca, Bakarganj, Faridpur and Maimunsing.
Vol.	VI.	Chittagong Hill Tracts, Chittagong, Noakhali, Tipperah and Hill Tipperah.
Vol.	VII.	Maldah, Rangpur and Dinagepur.
Vol.	VIII.	Rajshahi and Bogra.
Vol.	IX.	Murshidabad and Pabna.
Vol.	X.	Darjiling, Jalpaiguri and Kuch Behar State.
Vol.	XI.	Patna and Saran.
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Vol.	XIII.	Tirhut and Champaran.
Vol.	XIV.	Bhagalpur and Santal Parganas.
Vol.	XV.	Monghyr and Purniah.
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Vol.	XVII.	Singbhum, Tributary States and Manbhum.
Vol.	XVIII.	Cuttack and Balasor.
Vol.	XIX.	Puri and Tributary States of Orissa.
Vol.	XX.	Fisheries and Botany of Bengal, with General Index.
Vol.	XX.	General Index only.

Price, per volume, R4; postage, 5 annas.

Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Dinapore. *Price, 8 annas per copy; packing and postage, 2 annas.*

Buddha Gayá, the Hermitage of Sákya Muni. By Rájendralála Mitra, LL.D., C.I.E., Honorary Member of the Royal Asiatic Society of Great Britain and Ireland, and of the Physical Class of the Imperial Academy of Sciences, Vienna; Corresponding Member of the German and of the American Oriental Societies; of the Royal Academy of Science, Hungary, and of the Ethnological Society of Berlin; Fellow of the Royal Society of Northern Antiquaries, Copenhagen, &c., &c. *Price, R30; packing and postage, R1-4.*

Further Notes on the Rungpore Records, Vol. II. By E. G. GLAZIER, Esq., C.S., Officiating Magistrate and Collector, Rungpore. *Price, R1; postage, 2 annas.*

Selection of Papers regarding the Hill Tracts between Assam and Burma, and on the Upper Brahmapooter. *Price, R5; postage, 4 annas.*

Selections from Divisional and District Annual Administration Reports, 1872-73, with the Government Resolutions on them. *Price, R5; postage, 6 annas.*

Selections from the Supplement to the *Calcutta Gazette*, 1871 to 1874. *Price, R2-8; postage, 3 annas.*

Progressive Colloquial Exercises in the Lushai Dialect of the Dzo or Kuki Language. With Vocabularies and Popular Tales (notated). By Captain THOMAS HERBERT LEWIN, B.S.C., Deputy Commissioner, Chittagong Hills. *Price, R6; postage, 3 annas.*

Notes on the History of Midnapore, as contained in records extant in the Collector's Office. By J. C. PRICE, Officiating Settlement Officer of Midnapore. Vol. I. *Price, R3; postage, 5 annas.*

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

Price—Bound copies	R45 0 0
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The Statistical Reporter, edited by H. J. S. COTTON, Junior Secretary to the Government of Bengal.

Vol. I, bound in full cloth, lettered	R10 0 0
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Single copies of monthly Nos.	„ 2 0 0

Annual Statement of the Sea-borne Trade and Navigation of the Bengal Presidency, and of its Chief Port and each of the Subordinate Ports, with Foreign Countries, for the official year 1875-76. Vol. I. *Price, R12; postage, 10 annas.*

Rules for the Examination of, and grant of Certificates of Competency to, Masters, Mates and Engineers. *Price, R1; postage, 1 anna.*

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Sanitary Primers in English and in Bengali. *Price, R6 per hundred, including transit and packing charges; single copies, 1 anna each.*

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

West India Pilot, Vol. II . . . R5 0 0

☞ *Cash must be sent with order.*

Apply to Accountant, Bengal Secretariat, Writers' Buildings, Calcutta.

NOTICE.

The 9th February 1883.—The subscription to, and postage for, the *Calcutta Gazette* will henceforward be at the following rates, payable in advance:—

For the Mofussil.

	R	a.	p.	
Entire Gazette	15	0	0	per annum.
Postage	5	0	0	„
Supplement	6	0	0	„
Postage	3	0	0	„
Parts III, IV, V, and VI, containing the Acts and Bills of the Legislative Councils of India and Bengal	5	0	0	„
Postage	2	8	0	„
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Postage	0	1	0	
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Postage	0	1	0	

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The same rates as those for the mofussil, with the exception of the charge for postage.

E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 6, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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

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

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

	R	a.	p.
Subscription for *Gazette* and Supplement per annum	15	0	0
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For a single copy of the Supplement	0	4	0

Postage on single copies varies according to weight.

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

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

The undermentioned Students have passed the First Examination in Engineering:—

SECOND DIVISION.

In Order of Merit.

Ghosh, Tarakchandra	Govt. Engrg. College, Howrah.
Hpo Thine	Ditto.
Sorabji Shavaksha	Ditto.
Mitra, Benimadhab	Ditto.
Webber, V.	Ditto.

The undermentioned Students have been declared entitled to Maharaja Sir Joteendromohan Tagore's Medals for the year 1884 on the result of the examination held by the Tagore Law Professor in the subject of his lectures:—

Asutosh, Mukhopadhyay, Gold Medal	City College.
Syed Shams-ul-din Huda, Silver Medal	Ditto.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 4th September 1884.

CALCUTTA UNIVERSITY.

NOTICE.

"The Senate will proceed in the month of March 1885 to the election of a Tagore Law Professor for the term of one year to commence on the 1st of September 1885.

The salary of the Professorship is R10,000 per annum, and the Professor will be expected to deli-

ver a course of not less than twelve lectures upon *one* of the following subjects :—

(1) The Law of Testamentary Devise as administered in British India.

(2) The Law relating to Damages.

(3) The Law relating to Riparian Rights, including the Law of Alluvion and Diluvion, and the Law of Property in Navigable and Non-navigable Rivers.

(4) The Law relating to the Transfer of Immoveable Property, *inter vivos*.

Candidates for the Professorship are requested to forward their applications to the Registrar on or before the 1st of January 1885, and at the same time to state on which of the abovementioned four subjects they are prepared to lecture."

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 4th September 1884.

AGENT, GOVERNOR GENERAL, FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 25th August 1884.

No. 9.—With reference to Military Works Department Notification No. 37, dated 7th August 1884, Lieutenant E. Townshend, R.E., Assistant Engineer, 2nd Grade, reported his arrival in Quetta on the forenoon of 14th August 1884. Lieutenant Townshend is posted to the Sibi Division.

By Order,

W. P. TOMKINS, *Major, R.E.,*
Secy. to Agent, Govr. Genl., Biluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 30th August 1884.

No. 2747.—Colonel J. D. Hall, Commandant of the Bhopal Battalion, is granted privilege leave for two months, with effect from such date in August as he may avail himself of it.

By Order,

M. J. MEADE,
2nd Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 29th August 1884.

No. 2649 *G.*—First Class Hospital Assistant Munram Singh, who reverted to the Reserve List of Hospital Assistants for Native States under this Office Notification No. 2237 G., dated 29th July 1884, is transferred to the Reserve List of Hospital Assistants for Government employment, with effect from the 1st of July 1884, on which date he was relieved by 3rd Class Hospital Assistant Guhabur Singh of his duties at the Mayo College.

No. 2651 *G.*—Lieutenant-Colonel A. Conolly, Commandant, Meywar Bhil Corps, and Political Superintendent, Hilly Tracts, Meywar, availed himself, on the afternoon of the 12th August 1884, of the privilege leave granted him in this Office Notification No. 2470 G., dated 8th August 1884, making over charge of his duties to Lieutenant G. A. Collins, Officiating 2nd-in-Command, and 2nd Assistant Resident, Meywar.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 26th August 1884.

No. 8.—It is hereby notified for general information that under the provisions of Section 5 of the Bangalore Municipal Regulations of 1883, the undermentioned gentlemen have been elected Municipal Commissioners for the Civil and Military Station of Bangalore by the European and Eurasian and by the Mahomedan classes of the inhabitants of the Station :—

To represent the European and Eurasian classes.

1. Mr. J. W. Hayes, Sr.
2. ,, A. Mervyn Smith.
3. ,, St. John Buchan.
4. ,, G. G. Brown.

To represent the Mahomedan class.

5. Mahomed Saliha Sahib, Khán Bahadur.
6. Aga Abdoolla Sahib.

2. These gentlemen will continue in office for two years from the date of their election, or until their successors shall have been appointed.

H. WYLIE, *Major,*
Assistant to the Resident.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Aug. 25	. . .	. . .	. . .	7,07,907	98,91,947	80,47,300
,, 26	2,036	. . .	. . .	7,09,943	98,91,947	80,47,300
,, 27	. . .	. . .	1,93,444	5,27,713	1,00,89,541	82,44,884
,, 28	2,951	. . .	2,43,858	3,00,979	1,03,38,630	84,83,933
,, 29	. . .	. . .	1,84,786	1,25,728	1,05,27,381	86,82,734
,, 30	. . .	. . .	1,30,123	9,859	1,06,80,008	88,15,861

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT,
The 1st September 1884.

CHIEF COMMISSIONER OF COORG.

PROCLAMATION.

Bangalore, the 26th August 1884.

The land specified in the undermentioned Schedule having been sold by public auction under Regulation III of 1880, being an Act for the recovery of arrears of revenue in the Province of Coorg, it is hereby declared under Section 39 of the said Regulation that all rights and property of the former landholder in the said land are lawfully transferred to the purchaser named in the said schedule :—

SCHEDULE.

No.	Name of former holder.	Name of holding.	Taluk.	Nad.	Village.	Building.	Extent.		Name of present Purchaser.	Date of Purchase.
							Wet or dry.	Batty or tunde &c.		
1	Jammada Heggade Tukukutti Timmade.	Jammada Kokanakathevada warga.	Higgatnad .	Hatgatnad .	Matturu .	Thatched house.	Wet .	213¾	Cheppudira Somana.	13th Mar. 1884.
2	Makanda Machava.	Sagina Kattizamanithevada warga.	Ditto .	Bettyatunernad.	Hodduru .	Ditto .	Do. .	110 Kandaga.	Achiyanda Mandanna.	Ditto.
3	Yedagyi Kéli.	Keremelanagadde.	Yelsavirshime	Bilhad hobli	Madagodu .	Ditto .	Do. .	½	Jangamma Chenviraya.	Ditto.
4	Kunnyangada Machiah.	Mavoothevada warga.	Yedenalknad	Siddapurnad.	Maldare .	Ditto .	Do. .	77½	Chembanda Woothappa.	Ditto.

W. HILL,
Commissioner.

COORG COMMISSIONER'S OFFICE,
The July 1884.

By Order,

H. WYLIE, *Major,*
Secretary to the Chief Commr. of Coorg.

Statement of the Affairs of the Bank of Bengal for the week ending 2nd September 1884.

LIABILITIES.	₹	a.	p.	₹	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,351	4	4
Public Deposits at Head Office .	65,76,025	12	2	1,70,99,853	14	5
Public Deposits at Branches .	1,05,23,828	2	3			
Other Deposits at Head Office and Branches				2,53,13,276	8	2
Bank Post Bills, &c.				5,71,100	4	7
Sundries				12,33,332	1	9
RUPEES .				6,83,76,914	1	3

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities . . .				74,00,632	0	0
Other authorized Investments . .				40,75,882	8	0
Loans on Government and other authorized Securities . . .				76,42,708	6	9
Accounts of Credit on Government and other authorized Securities . .				69,21,565	10	4
Bills discounted and purchased . .				1,47,97,936	9	0
Balances with other Banks . . .				6,71,044	11	6
Bullion				20,321	0	0
Dead Stock				11,81,764	4	4
Stamps				8,851	13	0
Sundries				6,56,242	1	4
				4,33,76,949	0	3
Cash and Currency Notes at Head Office .	1,21,46,198	12	1	2,49,99,965	1	0
Cash and Currency Notes at Branches .	1,28,53,766	4	11			
RUPEES .				6,83,76,914	1	3

By order of the Directors,

BANK OF BENGAL,
Calcutta, 4th September 1884.

J. GORDON,
Chief Accnt. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.
Percentage 56·5.

No. 1129.—*Account of Revenue and Expenditure of the Government of India for the first month of the year 1884-85, as compared with the corresponding period of 1883-84.*

N.B.—Amounts are converted into sterling at ₹10 to the pound sterling.

	Revenue.	Estimates, 1884-85.	April 1883.	April 1884.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
I	Land Revenue*	22,396,600	1,569,278	1,730,553	161,275	...
II	Opium	8,594,200	739,841	792,075	52,234	...
III	Salt	6,328,900	499,022	570,364	71,342	...
IV	Stamps	3,533,000	315,251	320,078	4,827	...
V	Excise	3,796,900	315,402	327,829	12,427	...
VI	Provincial Rates	2,740,300	202,095	221,186	19,091	...
VII	Customs	1,289,500	150,300	128,141	...	22,159
VIII	Assessed Taxes	518,100	57,246	60,556	3,310	...
IX	Forest	1,052,600	45,702	48,939	3,237	...
X	Registration	265,600	23,157	21,407	...	1,750
XI	Tributes from Native States	695,900	51,805	59,905	8,100	...
XII	Post Office	1,059,000	83,020	91,927	8,907	...
XIII	Telegraph	547,700	39,394	36,893	...	2,501
XIV	Mint	102,200	5,591	14,465	8,874	...
XV	Law and Justice	617,900	41,383	33,834	...	7,549
XVI	Police	308,800	20,115	22,868	2,753	...
XVII	Marine	205,900	9,951	10,297	346	...
XVIII	Education	198,700	17,071	15,724	...	1,347
XIX	Medical	46,100	2,680	2,886	206	...
XX	Scientific and other Minor Departments.	75,700	4,114	4,439	325	...
XXI	Interest	643,100	137,179	137,185	6	...
XXII	Receipts in aid of Superannuation, &c.	194,200	7,052	6,968	...	84
XXIII	Stationery and Printing	53,000	2,982	3,658	676	...
XXIV	Miscellaneous	248,300	15,335	16,261	926	...
		55,511,600	4,354,966	4,678,438	323,472	...
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,716,900	265,775	302,656	36,881	...
	East Indian Railway (Gross Earnings).	4,850,000	432,056	385,537	...	46,519
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,613,000	685,607	683,079	...	2,528
XXVII	Irrigation and Navigation (direct Receipts).	942,600	22,145	26,364	4,219	...
	Unproductive Public Works.					
XXIX	State Railways	196,100	6,723	3,297	...	3,426
XXX	Southern Mahratta Railway	...	...	1,429	1,429	...
XXXI	Irrigation and Navigation	140,700	7,426	6,885	...	541
XXXII	Military Works	37,700	1,307	1,079	...	228
XXXIII	Civil Buildings, Roads and Services	520,600	36,908	35,421	...	1,487
XXXIV	Army	810,000	58,887	55,973	...	2,914
XXXV	Military Operations in Egypt	...	269	...	...	269
		70,339,200	5,872,069	6,180,158	308,089	...
	England, including Army, Public Works, &c.	221,200	17,990	21,465	3,475	...
	GRAND TOTAL	70,560,400	5,890,059	6,201,623	311,564	...

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 4th September 1884.

	Expenditure.	Estimates, 1884-85.	April 1883.	April 1884.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt†	3,798,300	376,757	368,788	...	7,969
2	Do. on other Obligations	470,300	3,380	23,001	19,621	...
3	Refunds and Drawbacks	220,400	14,366	15,432	1,066	...
4	Assignments and Compensations	1,240,100	138,343	142,497	4,154	...
5	Land Revenue	3,340,100	240,984	250,208	9,224	...
6	Opium (including cost of production)	2,352,000	381,730	1,075,388	693,598	...
7	Salt (do. do.)	521,700	33,852	31,364	...	2,488
8	Stamps	85,600	6,796	7,930	1,134	...
9	Excise	98,600	8,714	7,142	...	1,572
10	Provincial Rates	53,000	1,629	1,536	...	93
11	Customs	142,000	11,217	11,450	233	...
12	Assessed Taxes	13,800	594	526	...	68
13	Forests	724,000	38,733	46,583	7,850	...
14	Registration	176,500	15,701	14,092	...	1,609
15	Post Office	1,146,500	87,692	89,649	1,957	...
16	Telegraph	628,700	39,027	38,670	...	357
17	Mint	73,400	6,060	6,895	835	...
18	General Administration	1,343,200	101,628	116,395	14,767	...
19	Law and Justice	3,376,700	261,489	267,413	5,924	...
20	Police	2,793,900	213,643	217,025	3,382	...
21	Marine (including River Navigation)	381,000	27,001	26,861	...	140
22	Education	1,237,100	82,926	87,560	4,634	...
23	Ecclesiastical	167,100	12,894	14,137	1,243	...
24	Medical	722,900	57,681	58,853	1,172	...
25	Political	548,200	33,419	33,053	...	366
26	Scientific and other Minor Departments	428,600	43,579	47,379	3,800	...
27	Territorial and Political Pensions	675,300	56,047	53,161	...	2,886
28	Civil Furlough and Absentee Allowances	900	...	16	16	...
29	Superannuation Allowances and Pensions	783,900	126,867	146,755	19,888	...
30	Stationery and Printing	383,300	27,480	29,560	2,080	...
31	Miscellaneous	268,600	19,964	25,067	5,103	...
32	Famine Relief	...	8	11	3	...
33	Protective Works—Railways	1,138,600	10,951	54,475	43,524	...
34	Do. do. Irrigation	310,100	20,048	17,690	...	2,358
35	Reduction of Debt	301,300	...	...	...	...
49	Exchange on transactions with London	3,538,100	439,553	360,732	...	78,821
		33,483,800	2,940,813	3,687,294	746,481	...
	Productive Public Works.					
36	State Railways (Working Expenses)	2,027,700	135,470	141,793	6,323	...
	East Indian Railway (Working Expenses)	2,052,500	150,912	145,340	...	5,572
37	Guaranteed Railways (Surplus Profits, Land and Supervision).	530,000	5,236	15,068	9,832	...
38	Irrigation and Navigation (Working Expenses).	562,100	29,381	39,045	9,664	...
39	Charges in respect of Capital— (c) Guaranteed Railways Interest	5,300	...	...	...	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	166,700	17,803	9,779	...	8,024
41	Do. (Working and Maintenance)	176,700	9,218	11,857	2,639	...
42	Subsidized Railways	66,200	3,713	4,439	726	...
	Southern Mahratta Railway	89,500	...	513	513	...
43	Frontier Railways	—73,000	16,084	—71,292	...	87,376
44	Irrigation and Navigation	752,200	54,470	45,151	...	9,319
45	Military Works	919,200	45,191	53,947	8,756	...
46	Civil Buildings, Roads, and Services	3,882,200	200,593	197,162	...	3,431
47	Army	12,121,300	965,888	991,282	25,394	...
48	Military Operations in Egypt	...	3,694	...	...	3,694
		56,762,400	4,578,466	5,271,378	692,912	...
	England, including Army, Public Works, Guaranteed Interest, &c.	13,993,200	2,275,232	2,238,418	...	36,814
		70,755,600	6,853,698	7,509,796	656,098	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,239,900	60,310	196,706	136,396	...
	East Indian Railway	540,000	16,538	—20,946	...	37,484
51	Irrigation and Navigation	948,300	35,388	33,125	...	2,263
52	Miscellaneous Public Improvements	...	...	...	...	1,184
	In England—		1,184			
	State Railways	2,035,700	62,222	51,477	...	10,745
	East Indian Railway	...	38,675	45,748	7,073	...
	Irrigation and Navigation	500	..	260	260	...
		4,764,400	214,317	306,370	92,053	...
	GRAND TOTAL	75,520,000	7,068,015	7,816,166	748,151	...

† Includes interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

E. W. KELLNER,
Deputy Comptroller General.

E. T. ATKINSON,
Offg. Comptroller General.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 12th August 1884.

No. 21.—The services of 3rd Class Hospital Assistant No. 382, Hurdeo Pershad, of the military establishment, are placed at the disposal of the Agent, Governor General, Rajputana, for temporary civil employment.

No. 22.—Second Grade Assistant Surgeon Chunnoo Lal, of the North-Western Provinces and Oudh provincial establishment, is permitted to resign the service, with effect from the 17th July 1884.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 26th August 1884.

No. 41.—Mr. C. Pratt, Assistant Engineer, 3rd Grade, passed on 26th July 1884 the examination prescribed in Public Works Department Code, Chapter II, Section i, paragraphs 16 to 18.

The 28th August 1884.

No. 42.—Mr. A. Bewley, Assistant Engineer, 1st Grade, is transferred from the Rewari-Ferozepore State Railway to the Bilaspur-Etawah State Railway Survey.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

EASTERN BENGAL STATE RAILWAY.
Manager's Office.

NOTIFICATION.

Calcutta, the 30th August 1884.

No. 1.—The Notification No. 665, dated the 6th August 1884, published at page 451, Part II of the *Gazette of India*, dated the 9th August 1884, is hereby cancelled.

L. CONWAY-GORDON,
Manager.

CURRENCY NOTES.

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

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1884.		₹	
W32	M 75—71961	100	Ramdhur Rambilas, Ajmere.
W33	M 75—72109	100	Kawasji Rustamji Battiwala, Aden.
	„ —19905	100	
W35	M 75—35200	100	Naro Ramchandra Desai, Satara.
W36	M 38—61283	500	Bhootaji Futtaji, Bombay.
	M 85—07719	100	
	„ —17135	100	

BOMBAY,
The 26th August 1884.

R. A. STERNDALE,
Asst. Acctt. Genl., Paper Currency Dept.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
129	R 9—12018	100	Babu Jadub Chunder Nundi, 37, Khongraputty, Calcutta.
130	P 77—78691	100	Hurmook Roy Somai Ram, 88, Soot oputtee, Calcutta.
131	P 40—32980	50	Godadhur Shee, Baja Shibpore
	„ —32979	50	
	„ —31633	50	
	„ —39738	50	
	„ —31634	50	
	„ —32851	50	
	„ —41850	50	
	„ —41851	50	
	„ —42308	50	
133	P 45—39794	500	Babu Behari Lal Mukerjee, Chinsurah.
134	R 9—13163	100	Babu Koylasheshur Bose, Head Clerk, District Judge's Court, Tirhoot.
	„ —29019	100	
135	R 9—87840	100	Superintendent A. Hogg, Police Office, Calcutta

CALCUTTA.
The 5th September 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		₹	
24	B 78—58471	50	M. Jembunatha Sastry, Trivandrum.

FORT ST. GEORGE.
The 25th August 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl., In charge of Paper Currency Dept.

Report of a Deserter from the 1st Battalion, Royal Welsh Fusiliers, dated at Dum-Dum, this 1st day of September 1884.

Number, Rank, and Name,—No. 2806, Private William James Condon.	At what Place Enlisted,—Woolwich, Kent, England.
Age,—25 years 10 months.	Parish and County in which Born,—Athlone, Westmeath, Ireland.
Size,—5 feet 5½ inches.	Marks,—None.
Colour of—Complexion, fresh; Hair, brown; Eyes, grey.	Trade,—Clerk.
Date of Desertion,—26th August 1884.	Coat or Jacket,— / Waistcoat,— / Breeches or Trowsers,— } Regimentals.
Place of Desertion,—Dum-Dum.	
Date of Enlistment,—25th May 1880.	REMARKS,—Under 5 years' service.

J. H. TULLOCH, *Major,*
Comdg. 1st Battn., Royal Welsh Fusiliers.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878) that, in the village of Bhabi-Nimbgaon, Taluka Sheogaon, in the Ahmednagar District, the undermentioned treasure was found on the 6th July 1884, in a piece of Government unoccupied land to the west of the village site behind the house of Eknath walad Balaji Shelke :—

	₹	a.	p.
3 gold pieces, with artistic devices on them, of the value of . .	30	12	0
1 golden chain of twisted gold wire, of the value of . . .	9	0	0
2 silver hollow anklets, of the value of	2	0	0
4 silver chains of twisted silver wire, of the value of . . .	5	0	0
2 silver pieces of ditto . .	1	0	0
2 silver pieces (used as supports or appendages to gold ornaments) .	0	10	0

Any one who may have a claim to the whole or a portion of the abovementioned treasure may personally or by an agent appear before the Mamledar of Sheogaon on the 27th February 1885, when that officer will institute an enquiry into the matter under the provisions of the Act quoted above.

J. ELPHINSTON,
Actg. Collector.

AHMEDNAGAR,
The 27th August 1884.

POST OFFICE.

NOTIFICATIONS.

Simla, the 29th August 1884.

No. 6524.—Mr. E. A. Roussac, Deputy Post Master General, Behar, resumed charge of his duties on return from privilege leave on the afternoon of the 19th August 1884.

P. SHERIDAN,
for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 4th September 1884.

Brinkmann & Co.
Brown, E. A.
Duffin, C.
Earle, E. H.
Elliot, A.
Gamblyn, John.
Guest, W. G.
Moore, Robert.
Pearsell, J. R.
Smith, James.
Teiffenberg, Marcu.
Thompson & Co., R.

Letters marked "Care of Post Office."

A. B. C.
A. V.
Adams, Mrs.
"Admirer."
Alice, Mrs.
Anderson, Hubert.
Andrews, J.
Baggs, W. H.
Betharon, G.
Bowen, Mrs. M. A.
Brass, George.
Braunstein, N.
Brineat, Salvator.
Britton, M.
Brooks, L.
Chapman, Frank.
Cherkis, Herah.
Cooper, H.
DeBretton, Mrs.
Douglas, E. G.
E. S. H.
Farrow, Mrs. E.
Fitzherbert, A. J.
Fredalis, Soni.
G. R.
Gabriel, J.
Goddard, G.
H. C.
H. M. W.
Harman, J. M.
Heale, W. S.
Hurst, W. H.
Jackson, J. A.
Johnston, R. T.
K. M. W.
Livingston, Archibald.
Lynum, E.
M. A. G.
Mackinnon, T. A. B.
Marley, M. S.
Matson, E.
Mawson, J. R.
"Merchant."
Morris, Pierce M.
Nigomar, Victor.
Phœnix, J.
Piot, Monsieur.
Reynolds, Charles.
Robinson, Ellen.
Sadler, W.
Schubert Herrn Oscar.
Selons, Edmund.
Smith, J. B.
Spencer, Surgeon D. B.
Stobie, J. C.
Tabone, Govanni.
Thompson, James.
Vandermont, T.
Vaz, Richard.
Virtes.
Williams, Mostyn.
Williams, Mrs. Lizzie.
Wren, Thomas.
X. T. Z.
X. Z. G.
Young, F.

Registered Letters,

Bisnee, S. R.
Cherkes, Laya.
"Errol."
Greenberg, Frederick.
Robin, L.
Rustomjee, S.
Scott, T.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 1st September 1884.

Campbell, Major C. W.
Chatterjee, Ram Narain.
Chatterjee, Ram Kisto.
Deane, Dr. W.
Ferguson, P. R.
Heikman, A.
Hood, Major W. C.
Landale, J.
Manoo Khan.
Moitry, Gonesh Chunder.
Murray & Co.
Nandi, Jagdu Nath.
Stewart, A. N.
Walker, Lieut.-Col. T. N.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 1st September 1884.

Commencing from the 26th September 1884, the Foreign Mail Steamer will be despatched from Bombay every Friday, the Mails closing in Calcutta every Tuesday. The last Saturday Mail will be closed on the 13th and the first Tuesday Mail on the 23rd September 1884.

The 6th September 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	16th Sept.	From Bombay.
Foreign Mails *vid* Bombay . . .	13th „	From Bombay.*
Do. Book Post and Pattern Packets .	12th „	From Bombay.
Rangoon and Moulmein	10th „	Str. *Africa.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	10th „	Str. *Busheer.*
Madras, Ceylon, Batavia, Singapore, and China	8th „	French Str. *Tibre.*

* Also for Cape Colonies through United Kingdom; also *vid* Aden for Mozambique, Delagoa Bay, Cape Colonies, Lamoo, Mombaza, Zanzibar, Kilwa Kivinjee and Lindi, can be forwarded.

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

E. HUTTON,
Presidency Post Master.

Meteorological Publications for Sale.

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

	₹	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts .	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts . . .	8	0	0
Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts . . .	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates .	1	8	0

	₹	a.	p.
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages	1	8	0
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates	1	8	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	0	8	0
Rainfall Map of India (in 2 sheets, scale 64 miles to the inch) showing the average annual distribution of rainfall (in colours)	3	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates	2	0	0
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates	2	8	0
Register of the Original Observations of the six stations in India for 1879, reduced and corrected	2	8	0
Register of the Original Observations of the six stations in India for 1880, reduced and corrected	2	8	0
Register of the Original Observations of the six stations in India for 1881, reduced and corrected	2	8	0
Register of the Original Observations of the six stations in India for 1882, reduced and corrected	2	8	0

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, appear in monthly parts, published as soon as possible after the first of each month, at Calcutta, Madras, Bombay, and Allahabad, and comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court are reported in the series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court are reported in the Calcutta Series.

The Calcutta Series is distributed by the Bengal Secretariat; the copies for subscribers registered by Messrs. Thacker, Spink & Co., are distributed by that firm; and the Madras, Bombay and Allahabad Series are distributed direct from Madras, Bombay, and Allahabad respectively.

On and from the 1st January, 1884, the terms of subscription and sale will be reduced as follow:—

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The Government Central Book Depôt, Bombay.
„ „ Book Depôt, Allahabad.

Orders and subscriptions for 1884 should be at once remitted.

NOTICE.

Indian Law Reports.

Advertisements will be received for publication on the wrappers of the Indian Law Reports, Calcutta Series, by the Calcutta Central Press Company, "Limited," 5—1, Council House Street, at the following rates, payable in advance:—

	One page.	*Half page.*	*Quarter page.*
For one issue	₹ 15	₹10	₹ 6
„ three issues	„ 40	„ 25	„ 14
„ six „	„ 70	„ 40	„ 25
„ twelve „	„ 110	„ 70	„ 45

At these rates the advertisers will have the option of changing their advertisements in each issue.

THE BENGAL LAW REPORTS.

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

List of Books for sale at the Library of the Asiatic Society of Bengal,

No. 57, PARK STREET, CALCUTTA,

AND OBTAINABLE FROM THE SOCIETY'S LONDON AGENTS, MESSRS. TRÜBNER & Co., 57 AND 59, LUDGATE HILL, LONDON, E. C.

BIBLIOTHECA INDICA.

SANSKRIT SERIES.

New publication.

	₹	a.
Susruta Samhita, (Eng.) fasci. I	1	0
1. Atharvana Upanishads, (Sans.) fasci. I—V, at annas 10 each	3	2
2. Ás'valáyana Grihya Sútra, (Sans.) fasci. I—IV, at annas 10 each	2	8
3. Agni Puráṇa, (Sans.) fasci. I—XIV, at annas 10 each	8	12
4. Aitareya Araṇyaka of the Rig Veda, (Sans.) fasci. I—V, at annas 10 each	3	2
5. Aphorisms of S'ándilya, (Eng.) fasci. I	0	10
6. Aphorisms of the Vedánta, (Sans.) fasci. III—XIII, at annas 10 each	6	14
7. Brahma Sútras, (Eng.) fasci. I	1	0
8. Bhámatí, (Sans.) fasci. I—VIII, at annas 10 each	5	0
9. Brihat Áraṇyaka Upanishad, (Sans.) fasci. II—IV, VI—IX, at annas 10 each	4	6
10. Brihat Araṇyaka Upanishad, (Eng.) fasci. II—III, at annas 10 each	1	4
11. Brihat Samhitá, (Sans.) fasci. I—III, V—VII, at annas 10 each	3	12
12. Chaitanya-Chandrodaya Nátaka, (Sans.) fasci. II—III, at annas 10 each	1	4
13. Chaturvarga Chintámaṇi, (Sans.) fasci. I—XL, at annas 10 each	25	0
14. Chhándogya Upanishad, (Eng.) fasci. II	0	10
15. Categories of the Nyáya Philosophy, (Sans.) fasci. II	0	10
16. Das'a Rúpa, (Sans.) fasci. I—III, at annas 10 each	1	14
17. Gopatha Bráhmaṇa, (Sans. and Eng.) fasci. I & II, at annas 10 each	1	4

	₹	a.
18. Gopála Tápaní, (Sans.) fasci. I	0	10
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20. Hindu Astronomy, (Eng.) fasci. I—III, at 10 annas each	1	14
21. Is'á Kena Kaṭha Pras'na Muṇḍa Máṇḍukya Upanishads, (Sans.) fasci. VI	0	10
22. Kátantra, (Sans.) fasci. I—VI, at rupee 1 each	6	0
23. Kathá Sarit Ságara, (Eng.) fasci. I—X, at rupee 1 each	10	0
24. Lalita Vistara, (Sans.) fasci. I—VI, at annas 10 each	3	12
25. Lalita Vistara, (Eng.) fasci. I—II	2	0
26. Maitri Upanishad, (Sans. and Eng.) fasci. I—III, in one volume	1	14
27. Mímámsá Darṣana, (Sans.) fasci. II—XVI, at annas 10 each	9	6
28. Márkaṇḍeya Puráṇa, (Sans.) fasci. IV—VII, at annas 10 each	2	8
29. Nrisimha Tápaní, (Sans.) fasci. I—III, at annas 10 each	1	14
30. Nirukta, (Sans.) fasci. I—VI, at annas 10 each	3	12
31. Nárada Pancharátra, (Sans.) fasci. III—IV, at annas 10 each	1	4
32. Nyáya Darṣana, (Sans.) fasci I & III, at annas 10 each	1	4
33. Nítisára or The Elements of Polity, by Kámandaki, (Sans.) fasci. II—IV	1	14
34. Piṅgala Chhandaḥ Sútra, (Sans.) fasci. I—III, at annas 10 each	1	14
35. Prithiráj Rásau, (Sans.) fasci. I—V, at annas 10 each	3	2
36. Prithiráj Rásau, (Eng.) fasci. I	1	0
37. Páli Grammar, (Eng.) fasci. I & II, at annas 10 each	1	4
38. Prákrita Lakshaṇam, (Sans.) fasci. I	1	8
39. Parásara Smriti, (Sans.) fasci. I	0	10
40. Rig Veda, (Sans.) Vol. I, fasci. IV.	0	10
41. S'rauta Sútra of Apastamba, (Sans.) fasci. I—V, at annas 10 each	3	2
42. S'rauta Sútra of Ás'valáyana, (Sans.) fasci. I—XI, at annas 10 each	6	14
43. S'rauta Sútra of Látyáyana, (Sans.) fasci. I—IX, at annas 10 each	5	10
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19 SEP 84

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 13, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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

BANK OF BENGAL.

Calcutta, the 8th September 1884.

DOORGA POOJAH HOLIDAYS.

The Bank of Bengal will be open till 1 P.M. on the following days:—

Wednesday . .	September	24th
Tuesday . .	„	30th
Wednesday . .	October	1st
Thursday . .	„	2nd

The following days will be observed as close holidays:—

Thursday . .	September	25th
Friday . .	„	26th
Saturday . .	„	27th
Monday . .	„	29th
Friday . .	October	3rd
Saturday . .	„	4th

By Order of the Directors,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

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

The undermentioned Students have passed the First Examination in Engineering:—

SECOND DIVISION.
In Order of Merit.

Ghosh, Tarakchandra . .	Govt. Engrg. College, Howrah.
Hpo Thine . . .	Ditto.
Sorabji Shavaksha . .	Ditto.
Mitra, Benimadhab . .	Ditto.
Webber, V. . . .	Ditto.

The undermentioned Students have been declared entitled to Maharaja Sir Joteendromohan Tagore's Medals for the year 1884 on the result of the examination held by the Tagore Law Professor in the subject of his lectures:—

Asutosh, Mukhopadhyay, Gold Medal .	City College.
Syed Shams-ul-din Huda, Silver Medal .	Ditto.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 4th September 1884.

The following text-books are appointed in Pali for the B. A. Examination :—

Pass Course.

(1) Kaccayana's Pali Grammar (Senarts' Edition).
(2) Trenckner's Milinda Paûha.

Honour Course (in addition to the above).

(1) Childers's Mahâparinibbânasutta.
(2) Whitney's Language and the Study of Language.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 12th September 1884.

CALCUTTA UNIVERSITY.

NOTICE.

"The Senate will proceed in the month of March 1885 to the election of a Tagore Law Professor for the term of one year to commence on the 1st of September 1885.

The salary of the Professorship is ₹10,000 per annum, and the Professor will be expected to deliver a course of not less than twelve lectures upon *one* of the following subjects :—

(1) The Law of Testamentary Devise as administered in British India.
(2) The Law relating to Damages.
(3) The Law relating to Riparian Rights, including the Law of Alluvion and Diluvion, and the Law of Property in Navigable and Non-navigable Rivers.
(4) The Law relating to the Transfer of Immoveable Property, *inter vivos*.

Candidates for the Professorship are requested to forward their applications to the Registrar on or before the 1st of January 1885, and at the same time to state on which of the abovementioned four subjects they are prepared to lecture."

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 4th September 1884.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 20th August 1884.

No. 23.—Second Grade Assistant Surgeon Kally Doss Bose, of the Imperial establishment, is granted leave of absence on medical certificate for three months, with effect from the 1st August 1884.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 2nd September 1884.

No. 2779.—With reference to Foreign Department Notification No. 1456 G. of the 28th July 1884, Colonel J. C. Berkeley received charge of the Office of Resident at Gwalior from Colonel W. Tweedie, C.S.I., on the forenoon of the 18th August 1884.

The 3rd September 1884.

No. 2810.—With reference to Foreign Department Notification No. 1596 G., dated the 18th August 1884, Lieutenant-Colonel M. G. Gerard, C.B., surrendered, and Captain A. Masters assumed, charge of the Office of Political Assistant at Goona on the forenoon of the 18th August 1884.

By Order,

D. ROBERTSON, *Captain,*
1st Asst. to the Agent to the Govr. Genl. for Central India.

No. 2811.—Captain E. D. F. Bignell, Adjutant, Malwa Bhil Corps, is granted three months' leave under the Military Furlough Rules of 1875, paragraph 10, with effect from the 15th May 1884, or from such subsequent date as he may be spared by the Commanding Officer. The first two months of the above leave to be on full staff pay.

This cancels Central India Agency Notification No. 1389 of the 19th May last.

By Order,

M. J. MEADE,
2nd Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 1st September 1884.

No. 2687 *G.*—Lieutenant G. A. Collins, Officiating 2nd-in-Command of the Meywar Bhil Corps, and 2nd Assistant Resident, Meywar, returned to duty, on the afternoon of the 12th August 1884, from the privilege leave granted him in this Office Notification No. 1188 G., dated 6th May 1884.

Lieutenant-Colonel A. Conolly, Commandant of the Meywar Bhil Corps, and Political Superintendent, Hilly Tracts, Meywar, held charge of the Office of 2nd Assistant Resident, Meywar, in addition to his own duties, during Lieutenant G. A. Collins' absence on privilege leave.

The 2nd September 1884.

No. 2689 *G.*—Surgeon W. W. Webb, Officiating Medical Officer of the Meywar Bhil Corps, availed himself on the 18th August 1884 of the privilege leave granted him in this Office Notification No. 2592 G., dated 23rd August 1884.

No. 2691 *G.*—Captain F. G. Alexander, Officiating 2nd-in-Command, Erinpura Irregular Force, is granted fifty days' privilege leave from the 19th September 1884, or such subsequent date as he may avail himself of the same.

The 3rd September 1884.

No. 2699 *G.*—With reference to this Office Notification No. 1894 G., dated the 1st of July 1884, Lieutenant C. E. Hodgson, Officiating Wing Officer, on probation, of the Meywar Bhil Corps, returned to duty on the 12th of August 1884, from the examination leave granted him in Foreign Department Notification No. 1120 G., dated the 3rd of June 1884.

The 4th September 1884.

No. 2721 *G.*—The privilege leave granted to Lieutenant-Colonel A. Conolly, Commandant, Meywar Bhil Corps, in this Office Notification No. 2470 G., dated the 8th of August 1884, is extended to ninety days.

The 6th September 1884.

No. 2772 *G.*—Lieutenant-Colonel C. A. Baylay, Political Agent, Kotah, is granted three weeks' privilege leave, with effect from the forenoon of the 29th of August 1884.

Major H. B. Abbott, Political Agent, Jhallawar, will hold charge of the current duties of the Kotah Agency Office, in addition to his own, during Lieutenant-Colonel Baylay's absence.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 2nd September 1884.

No. 9.—It is hereby notified for general information that, under the provisions of Section 5 of the Bangalore Municipal Regulations of 1883, the undermentioned gentlemen have been elected Municipal Commissioners for the Civil and Military Station of Bangalore by the Hindu class of the inhabitants of the Station :—

To represent the Hindu Class.

1. Rai Bahadur Sabapathy Moodelliar.
2. V. Gungathara Chettiar.
3. A. Govindaraju Moodelliar.
4. A. Chockalinga Moodelliar.

2. These gentlemen will continue in office for two years from the date of their election, or until their successors shall have been appointed.

By Order,

H. WYLIE, *Major,*
Assistant to the Resident.

NORTHERN INDIA SALT REVENUE DEPARTMENT.

NOTIFICATION.

Agra, the 2nd September 1884.

No. 8261.—Mr. W. Synnott, Assistant Commissioner, on return from leave, resumed charge of the Upper Division, Internal Branch, on the 1st September 1884, forenoon.

A. B. PATTERSON,
Offg. Commr., Northern India Salt Revenue.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 6th September 1884.

No. 40.—Lieutenant E. H. Hemming, R.E., Assistant Engineer, 2nd Grade, was transferred from the head-quarters staff of the Inspector General, Military Works, to the Beluchistan Circle, with effect from the 28th August 1884.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 4th September 1884.

No. 43.—Mr. J. N. A. Eaton, Assistant Engineer, 2nd Grade, is transferred from the Indus Valley State Railway to the Sind-Peshin State Railway, Northern Section.

The 5th September 1884.

No. 44.—With reference to Government of India, Public Works Department, Notification No. 207, dated 2nd September 1884, Mr. J. M. Campion, Executive Engineer, 2nd Grade, is posted to the Sind-Peshin State Railway, Northern Section.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

RAJPUTANA-MALWA RAILWAY. (Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATION.

Ajmere, the 8th September 1884.

No. 11.—Mr. M. O. Norris, Assistant Engineer, 2nd Grade, is granted twelve months' leave out of India, on medical certificate, and the usual subsidiary leave, with effect from the 29th August 1884.

H. DANGERFIELD,
Offg. Manager.

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

Date.	Silver tendered, estimated value.	Certificates issued on		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Sept. 1	. . .	. . .	. . .	4,839	1,06,57,743	88,15,961
,, 2	. . .	. . .	3,075	1,807	1,06,60,884	88,19,102
,, 3	. . .	. . .	. . .	1,907	1,06,60,884	88,19,102
,, 4	. . .	. . .	507	1,429	1,06,61,402	88,19,620
,, 5	13,40,026	. . .	. . .	13,40,077	1,06,61,402	88,19,620
,, 6	1,105	. . .	. . .	13,41,182	1,06,61,402	88,19,620

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT,
The 8th September 1884.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st August 1884.

| PARTICULARS. | 3½ per cent. Transfer Loan of 1863-64. | 4 per cent. Loans | | |

Calcutta, the 1st September 1884.

Commencing from the 26th September 1884, the Foreign Mail Steamer will be despatched from Bombay every Friday, the Mails closing in Calcutta every Tuesday. The last Saturday Mail will be closed on the 13th and the first Tuesday Mail on the 23rd September 1884.

The 13th September 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	17th Sept.	P. & O. Str. *Tasmania.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	16th ,,	From Bombay.
Foreign Mails *vid* Bombay	18th ,,	From Bombay.*
Rangoon and Moulmein	17th ,,	Str. *Kilwa.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	17th ,,	Str. *Coconada.*
Straits and Hong-Kong	16th ,,	Strs. *Japan* and *Wingsang.*

* Also for Cape Colonies through United Kingdom; also *vid* Aden for Mozambique, Delagoa Bay, Cape Colonies, Lamoo, Mombaza, Zanzibar, Kilwa Kivinjee, and Lindi, can be forwarded.

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

E. HUTTON,
Presidency Post Master.

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☞ *Cash must be sent with order.*

Apply to Accountant, Bengal Secretariat, Writers' Buildings, Calcutta.

NOTICE.

The 9th February 1883.—The subscription to, and postage for, the *Calcutta Gazette* will henceforward be at the following rates, payable in advance:—

For the Mofussil.

	R	a.	p.	
Entire Gazette . . .	15	0	0	per annum.
Postage . . .	5	0	0	"
Supplement . . .	6	0	0	"
Postage . . .	3	0	0	"
Parts III, IV, V, and VI, containing the Acts and Bills of the Legislative Councils of India and Bengal	5	0	0	"
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The same rates as those for the mofussil, with the exception of the charge for postage.

E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 20, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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

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

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

NOTICE TO PRINTERS.

Tenders will be received by the Superintendent of Government Printing, 166, Dhurrumtollah Street, Calcutta, up to the 10th October next, for printing, in Urdu and Devnagri characters, Bills, Statements of Objects and Reasons, Reports of Select Committees, Speeches in Council and Acts, from the 1st of January to the 31st December 1885. The work to be done will comprise about 600 copies of about 50 pages of matter of foolscap size monthly, and about 100 pages of each character will have to be kept standing in type.

Copies of the work can be seen at the Office of the Superintendent of Government Printing, No. 166, Dhurrumtollah Street, where full information regarding the nature of the work can be obtained.

The Superintendent of Government Printing will not bind himself to accept the lowest or any tender.

E. J. DEAN,
Supdt., Govt. Printing, India

CALCUTTA,
The 16th September 1884.

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

The following text-books are appointed in Pali for the B. A. Examination:—

Pass Course.

(1) Kaccayana's Pali Grammar (Senarts' Edition)
(2) Trenckner's Milinda Paûha.

Honour Course (in addition to the above).

(1) Childers's Mahâparinibbânasutta.
(2) Whitney's Language and the Study of Language

CHARLES H. TAWNEY,
Registrar

SENATE HOUSE,
The 12th September 1884.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department, up to the 4th September 1884.

Order of receipt.	Public Works (Buildings and Roads and Military Works Branch) and Telegraph. — Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	June 1884	Aug. 21, 1884
2	Military Works Branch	Do.	Do. 23, ,,
3	Central India	,,	Do. 25, ,,
4	Rajputana	Do.	
5	Hyderabad (Imperial)	,,	
	Hyderabad Assigned Districts.	Do.	Do. 26, ,,
6	Bombay	,,	Do. 27, ,,
7	Port Blair	,,	Do. 28, ,,
8	North-Western Provinces and Oudh.	,,	Do. 29, ,,
9	Bengal	,,	Do. 30, ,,
10	Coorg	,,	Sept. 1, ,,
11	Madras	,,	
12	British Burma	,,	Do. 3, ,,
13	Central Provinces	May	July 23, ,,
14	Assam	Do.	Do. 20, ,,
15			

Order of receipt.	Irrigation. — Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	June 1884	Aug. 21, 1884
2	Rajputana	Do.	Do. 25, ,,
3	Bengal	,,	Do. 26, ,,
4	Bombay	,,	Do. 27, ,,
5	North-Western Provinces and Oudh.	Do.	Do. 30, ,,
6	Madras	,,	Sept. 1, ,,
7	British Burma	Do.	Do. 3, ,,
	Telegraph.		
1	Indo-European	May	Aug. 8, 1884
2	Indian	Do.	Do. 12, ,,

Order of receipt.	Guaranteed Railways. — State Ry., Stores Branch	Last month for which received.	Date of receipt.
1		June 1884	Aug. 20, 1884
2	Punjab	Do.	Do. 21, ,,
3	North-Western Provinces and Oudh.	Do.	Do. 25, ,,
4	Bombay	,,	Do. 27, ,,
5	Madras	Do.	July 31, ,,

Order of receipt.	State Railways (Capital). — Accounting Offices.	Last month for which received.	Date of receipt.
1	Bhopal	June 1884	Aug. 12, 1884
2	Bengal & North-Western	Do.	Do. 18, ,,
3	Umritsar-Pathankote	,,	
	State Rys., Stores Branch.	Do.	Do. 21, ,,
	N.-W. P. & Oudh Light	,,	
5	Provl. Surveys.	Do.	Do. 23, ,,
	Punjab Northern	,,	
8	Wardha Coal	,,	
	Patna & Gya	Do.	Do. 25, ,,
	Assam Ry. Surveys	,,	
9	Dhond & Manmad	Do.	Do. 26, ,,
	Nalhati	,,	
	Sind-Pishin (Northern Sec.)	,,	
13	Bombay Ry. Surveys	,,	
	Nagpur-Chhattisgarh	,,	Do. 27, ,,
	Sind-Pishin	,,	
	Bhavnagar-Gondal (Land Charges.)	,,	
17	Indus Valley	,,	Do. 29, ,,
	Deccan-Mysoreing	,,	
18	Sindia.	,,	Do. 30, ,,
	Tirhoot	,,	
	Bengal Administrative Charges (43 State Rys.)	Do.	Sept. 1, ,,
21	Jhansi-Manickpur	,,	
	Kawar-Dhuria	,,	
	Kawar-Ferozepore	,,	
	British Burma	,,	
25	Bassein-Henzada Railway Surveys.	Do.	Do. 3, ,,
	Holker	,,	
27	Madras Ry. Survey	Do.	Do. 4, ,,
	Rajputana-Malwa	,,	
30	Caddapah-Nellore	May	July 17, ,,
31	West-Deccan	Do.	Do. 26, ,,
32	Bellary-Kistna	,,	Do. 29, ,,
33	Southern Mahratta	,,	Do. 30, ,,
34	Calcutta & South-Eastern Ry.	Do.	Aug. 1, ,,
36	Kokilamukh	,,	
37	Northern Bengal	Do.	Do. 4, ,,
38	East Indian	,,	Do. 7, ,,
	Bengal Central	,,	Do. 20, ,,
39	Bengal Provl. Surveys	,,	
	Ranighat-Bhagwangola	Do.	Do. 25, ,,
41	N.-W. P. & Oudh Subsidized Rys.	Do.	Do. 27, ,,
42	Cawnpore-Achnera	Do.	Sept. 1, ,,
	N.-W. P. & Oudh Provl. Rys.		

Order of receipt.	Foreign States. — Revenue & Capital.	Last month for which received.	Date of receipt.
1	Nizam's	June 1884	Aug. 23, 1884
2	Bhavnagar-Gondal	May	July 23, ,,

A. J. FILGATE, *Lieut.-Colonel, R.E.,*
Accountant General, P. W. Dept.

Simla, the 10th September 1884.

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 9th September 1884.

No. 466.—Lieutenant G. B. Hodgson, B.S.C., Probationary Assistant Superintendent, 2nd Grade, Survey of India, having been confirmed in that appointment by Notification No. 418 S., dated the 15th August 1884, of the Government of India, Revenue and Agricultural Department, is appointed to officiate in the 1st Grade of Assistant Superintendent, with effect from the 22rd July 1884.

No. 467.—Mr. W. W. McNair, Surveyor, 4th Grade, Survey of India, having returned to duty from the extraordinary leave, granted him by the Right Hon'ble the Secretary of State, on the afternoon of the 6th August 1884, the following reversion will take place, with effect from the same date, in continuation of Notification No. 465, dated the 21st August 1884:—

Mr. J. Newland, Officiating Surveyor, 4th Grade, to revert to his substantive appointment of Assistant Surveyor, 1st Grade.

No. 468.—Major T. H. Holdich, R.E., Deputy Superintendent, 3rd Grade, Survey of India, having been recalled to duty from furlough, reported his arrival on the afternoon of the 25th August 1884, the following reversions will take place from the same date:—

Major J. R. Wilmer, S.C., Officiating Deputy Superintendent, 3rd Grade, to revert to his substantive appointment of Deputy Superintendent, 4th Grade.

Lieutenant the Hon'ble M. G. Talbot, R.E., Officiating Deputy Superintendent, 4th Grade, to revert to his substantive appointment of Assistant Superintendent, 1st Grade.

The 10th September 1884.

No. 469.—Mr. D. J. Collins, Assistant Surveyor, 2nd Grade, Survey of India, is granted furlough for one year, with effect from 1st October 1884, or such date as his services can be spared, under Section 132 of the Civil Leave Code.

G. C. DEPRÉE, *Colonel,*
Surveyor General of India.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 3rd September 1884.

No. 24.—Third Grade Assistant Surgeon Kanai Lal Mullick, of the Bengal provincial establishment, is permitted to resign the service, with effect from the 30th June 1884.

J. M. CUNINGHAM, M.D.,
Surgeon-Genl. with the Govt. of India.

AGENT TO THE GOVERNOR GENERAL FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 5th September 1884.

No. 10.—Lieutenant W. Huskisson, R.E., Assistant Engineer, 2nd Grade, is transferred from the Sibi Division to the Office of the Superintending Engineer as Personal Assistant.

By Order,

W. P. TOMKINS, *Major, R.E.,*
Secy. to Agent to the Govr. Genl. for Biluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 9th September 1884.

No. 2892.—Sahebzada Mahomed Wahid-uddin, Attaché to the Governor General's Agent, is granted privilege leave for three months, with effect from the 15th September 1884, or such subsequent date as he may avail himself of it.

The 13th September 1884.

No. 2930.—Lieutenant F. C. Grant, Officiating Squadron Officer on probation, 1st Regiment, Central India Horse, is granted privilege leave for sixty days, with effect from the 15th instant, or such subsequent date as he may avail himself of it.

By Order,

D. ROBERTSON, *Captain,*
1st Asst. to the Agent to the Govr. Genl. for Central India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 15th September 1884.

No. 4.—Mr. C. E. Horsley, an Assistant Superintendent of the 1st Grade, is allowed furlough on medical certificate for ten days in extension of the leave granted to him in Notification No. 3, dated 21st August 1884, under Section 52 of the Civil Leave Code, with effect from the forenoon of the 28th August 1884.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 6th September 1884.

No. 45.—With reference to Public Works Department Notification No. 210, dated 2nd September 1884, Mr. J. Conder, Class II of the State Railway Superior Revenue Establishment, Traffic Department, is posted to the Rajputana-Malwa Railway.

The 13th September 1884.

No. 46.—Mr. R. Woolcombe, Assistant Engineer, 2nd Grade, and Mr. H. T. Wadley, Assistant Engineer, 3rd Grade, passed, on the 6th July 1884, the Professional Examination prescribed in Public Works Department Code, Chapter II, Section I, paragraphs 16 to 19.

No. 47.—With reference to Government of India, Public Works Department, Notification No. 214, dated the 8th September 1884, Mr. T. A. Hindmarsh, Locomotive Candidate, is posted to the Eastern Bengal State Railway.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

SOUTHERN MAHRATTA RAILWAY.

NOTICE.

Poona, the 15th September 1884.

Tenders are invited for the supply of 56,300 teak-wood sleepers, 6 feet long, 8 inches wide, and 4 inches thick, to be of well seasoned timber, free from knots, weather cracks or wanes, sawn and squared, delivered at the store yard at Poona not later than 28th February 1885.

All the sleepers to be passed and branded by an Inspecting Officer.

Tenders to be addressed to the Chief Engineer, Southern Mahratta Railway, Poona, on 1st November 1884. The Chief Engineer does not bind himself to accept the lowest or any tender.

for *Chief Engineer.*

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on the 20th July 1884, treasure consisting of four gold bullions and one gold ring mounted with the image of Anjaneya (Monkey God), weighing 1 tola and 19¼ chinnams, and 27 pieces of burnt waste metal, called "chittam makkalu," was found under ground in the land of one Gatte Sanyasi, in the village of Andalapalli, in the Sarvasiddhi Taluk, Vizagapatam District.

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent before the Collector of Vizagapatam, at his office, at 11 A.M., on the 20th February 1885, in order to the matter being enquired into and determined according to the provisions of the said Act.

H. G. TURNER,
Actg. Collector.

VIZAGAPATAM COLLECTOR'S OFFICE,
The 11th September 1884.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Sept. 8	. . .	. . .	52	13,41,131	1,06,61,456	88,19,674
„ 9	. . .	. . .	. . .	13,41,131	1,06,61,456	88,19,674
„ 10	. . .	. . .	. . .	13,41,131	1,06,61,456	88,19,674
„ 11	. . .	. . .	2,70,962	10,80,655	1,09,28,231	90,96,449
„ 12	. . .	. . .	3,22,258	7,83,821	1,12,67,863	94,25,621
„ 13	. . .	. . .	2,97,820	5,04,928	1,15,71,618	97,29,836

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 16th September 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 16th September 1884.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,59,351	4	4
Public Deposits at Head Office (₹ 1,13,60,167 12 7)			
Public Deposits at Branches (₹ 94,28,473 15 3)	2,07,88,641	11	10
Other Deposits at Head Office and Branches	2,24,19,245	7	2
Bank Post Bills, &c.	5,59,521	8	11
Sundries	12,54,439	2	2
RUPEES	6,91,81,199	2	5

ASSETS.	₹	a.	p.
Government Securities	74,79,890	0	0
Other authorized Investments	39,89,242	8	0
Loans on Government and other authorized Securities	75,31,113	8	6
Accounts of Credit on Government and other authorized Securities	72,42,465	5	3
Bills discounted and purchased	1,46,14,039	15	1
Balances with other Banks	7,82,389	9	1
Bullion	34,615	4	6
Dead Stock	11,81,036	8	9
Stamps	8,848	14	0
Sundries	6,49,543	2	3
	4,35,13,184	11	5
Cash and Currency Notes at Head Office (₹ 1,36,73,957 12 5)			
Cash and Currency Notes at Branches (₹ 1,19,94,056 10 7)	2,56,68,014	7	0
RUPEES	6,91,81,199	2	5

BANK OF BENGAL.
Calcutta, 18th September 1884.

J. GORDON,
Chief Accnt. & Depy. Secretary.
Rate for Demand Loans 2 per cent.
Percentage 57·0.

By order of the Directors.
W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

CURRENCY NOTES.

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

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
143	P 78—01805	1,000	Mr. Hareephroo, 25, Hurinbari Lane, Calcutta.
	R 10—10604	100	
	„ —13404	100	
144	O 65—79453	50	The District Superintendent of Police, Moorshedabad.
145	P 43—10906	100	Messrs. Lallchand & Co., care of Messrs. MacKnight, Anderson & Co., 5, Fairlie Place, Calcutta.
	„ —10907	100	
	„ —10908	100	
	„ —10909	100	
	„ —10910	100	
	„ —10911	100	
147	O 97—79995	100	Babu Komolakant Mitter, Jessore.
148	P 48—95631	1,000	Ramsarun Ram, Gheena Ram, care of Bhowchand Ram, Gomastah of Moti Ram, Heeralal, 13 Doyehatta, Calcutta.

CALCUTTA,
The 18th September 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Calicut Circle.

NOTES WHOLLY LOST OR DESTROYED.

No. of Notes.	Value. ₹	Name of Claimant.
J 10—89227	100	R. W. Frazer, Esq., C.S., Vellore.
„ —93361	100	
J 10—93579	100	Panchandam Pillay, Calicut.
„ —93581	100	

CALICUT,
The 9th September 1884.

B. C. LEGGATT,
Depy. Collr., in charge of Paper Currency.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
25	B 84—41987	100	R. W. Frazer, Esq., M.C.S., Vellore.
26	B 65—48627	50	T. Goorocsawmy Pillai, Madras.

FORT ST. GEORGE,
The 8th September 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl., In charge of Paper Currency Dept.

Report of a Deserter from the 2nd Battalion, Devonshire Regiment of Infantry, dated at Jullundur, this 15th day of September 1884.

Number, Rank, and Name,—No. 777, Private Robert Kelly.	At what Place Enlisted,—Parkhurst.
Age,—29 years.	Parish and County in which Born,—St. Mary, Sligo.
Size,—5 feet 6¼ inches.	Marks,—Scar from burn on right cheek and R. R. tattooed on left fore-arm.
Colour of—Complexion, fresh; Hair, dark brown; Eyes, grey.	Trade,—Labourer.
Date of Desertion,—9th September 1884.	Coat or Jacket,— } Regimentals. Waistcoat,— . Breeches or Trowsers— .
Place of Desertion,—Jullundur.	REMARKS,—
Date of Enlistment,—14th March 1879.	Under 6 years' service.

W. A. SMYTH, *Lieut.-Colonel,*
Comdg. 2nd Battn., Devonshire Regt.

POST OFFICE.

NOTIFICATIONS.

Simla, the 9th September 1884.

It is notified for information that all letters &c., intended for members of the party accompanying Lieutenant-Colonel J. W. Ridgeway to Afghanistan should be addressed "Afghan Boundary Commission," without the addition of any post town. A list of the officers and others composing the party is appended for guidance :—

Political Staff.

Lieutenant-Colonel J. W. Ridgeway, General List Infantry.
Captain E. L. Durand, S.C.
Captain C. E. Yate, Bo.S.C.
Mr. W. R. H. Merk, C.S.
Captain F. deLaessoe.
Risaldar-Major Muhammad Husein Khan, 7th B.C.
Risaldar-Major Bhawaldin Khan, C. I. Horse.
Subadar-Major Husein Khan, 2nd Sikhs.
Kazi Muhammad Aslam Khan, Assistant Commissioner, Punjab.
Sardar Sher Ahmed, Officiating Extra Assistant Commissioner, Punjab.
Mirza Ghulam Ahmed, Extra Assistant Commissioner, Punjab.
Khan Baba Khan, Tehsildar, Punjab.

Medical Officer.

Surgeon C. W. Owen, C.I.E.

Military Intelligence Officers.

Captain P. J. Maitland, Bo.S.C.
Captain W. Peacock, R.E.

Survey Officers.

Major J. Hill, R.E.
Captain St. G. C. Gore, R.E.
Lieutenant the Hon'ble M. G. Talbot, R.E.

Commissariat and Transport Officer.

Major A. T. S. A. Rind, S.C.

Naturalist.

Surgeon-Major J. E. T. Aitchison, M.D.,C.I.E.

Geologist.

Mr. C. J. Griesbach.

Foreign Office Establishment.

Mr. E. H. S. Clarke.
„ A. Chapman.
„ E. Marshall.
Munshi Alla Baksh.
„ Muhammad Khalil.
Peon Ram Pershad.
„ Jagat Ram.
„ Ikram.

The 13th September 1884.

No. 7236.—Mr. J. H. Smith is appointed to be Post Master of Allahabad, but will continue to officiate as Superintendent, Aligarh Workshop.

Lala Raj Narain is appointed to be Superintendent of Post Offices, Aligarh Division.

G. J. HYNES,
for *Offg. Director General of the Post Office of India.*

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Batlow, S. R.	Finberry, R. S.	Rickett, Henry.
Brown, Surg.-Major J. B. S.	Gilbertson, Dr. C.	Rowe, F. C. C.
Coe, P. H.	Gill, Thomas C.	Salock, J.
Cowell, Edward B.	Greenbourg, Mrs. Sarah.	Smith & Co., B.
Daveney, P. B.	Mounier, J. A.	Watson, S.
Fergusson & Co., J. H.	Punchard, Thomas.	Weatherill, Joseph.

Letters marked "Care of Post Office."

A. V.	Farrow, Mrs. E.	Nigomar, Victor.
"Admirer."	Fitzherbert, A. J.	Phœnix, J.
Alice, Mrs.	Fredalis, Soni.	Piot, Monsieur.
Andrews, J.	G. R.	Reynolds, Charles.
Baggs, W. H.	Gill, F. N. G.	Robinson, Ellen.
Baines, Mrs. Emily.	Goddard, G.	Sadler, W.
Benson, A. F.	H. M. W.	Schubert, Herrn Oscar.
Bexbaron, G.	Harman, J. M.	Selous, Edmund.
Bowen, Mrs. M. A.	Hurst, W. H.	Smith, J. B.
Braunstein, N.	Jackson, J. A.	Spencer, Surgeon D. B.
Brigg, E. A.	King, W.	Stobia, J. C.
Brincat, Salvator.	Livingston, Archibald.	Tabone, Govanni.
Britton, M.	Lynum, R.	Thompson, James.
Brooks, L.	M. A. G.	Vandermont, T.
C. G.	M. T. S.	Vaz, Richard.
Chapman, Frank.	Mackinnon, T. A. B.	Williams, Mostyn.
Cooper, H.	Matson, E.	Wren, Thomas.
Dew, Grey.	Mawson, J. B.	X. T. Z.
Douglas, E. G.	Meij, H.	X. Z. G.
E. S. H.	"Merchant."	Young, F.
Evans, Peter.	Morris, Pierce M.	

Registered Letters.

Bell, J. N.	Cherkes, Laya.	Haliday, J.
Benson, A. F.	"Errol."	Rustomjee, S.
Bisnee, S. R.	Ferefourd, Duglass.	

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Presidency Postmaster, Calcutta.

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Augier, Miss J.	Ghose, Doyal Chand.	Mookerjee, Harendro Nath.
Banerjee, Rajendra Nath.	Giri, Mohesh Chundra.	Owen, H. B.
Campbell, J. W.	Gordon, Capt. W. L. C.	Power, T.
Chatterjee, Asutosh.	Harrison, Row & Co.	Russell, J.
Chatterjee, Ram Kisto.	Heikman, A.	Whitten, A.
D'Rozario, Rev. F. J.	Lebray, Dhop Dhopi.	White, Mrs. M.
Foley, Rev. J.	Mills, G.	

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 20th September 1884.

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	1884.	
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	30th Sept.	From Bombay.
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Do. Book Post and Pattern Packets	22nd „	From Bombay.
Rangoon and Moulmein	24th „	Str. *Ethiopia.*
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	24th „	Str. *Calcutta.*
Port Blair and Camorta	25th „	Str. *Maharani.*

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E. HUTTON,
Presidency Post Master.

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For Calcutta.

The same rates as those for the mofussil, with the exception of the charge for postage.

E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 27, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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

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

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

	R	a.	p.
Subscription for *Gazette* and Supplement per annum	15	0	0
Postage	5	8	0
Subscription for Supplement only .	6	0	0
Postage	3	0	0
For a single copy of the *Gazette* .	0	8	0
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Postage on single copies varies according to weight.

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

NOTICE TO PRINTERS.

Tenders will be received by the Superintendent of Government Printing, 166, Dhurrumtollah Street, Calcutta, up to the 10th October next, for printing, in Urdu and Devnagri characters, Bills, Statements of Objects and Reasons, Reports of Select Committees, Speeches in Council and Acts, from the 1st of January to the 31st December 1885. The work to be done will comprise about 600 copies of about 50 pages of matter of foolscap size monthly, and about 100 pages of each character will have to be kept standing in type.

Copies of the work can be seen at the Office of the Superintendent of Government Printing, No. 166, Dhurrumtollah Street, where full information regarding the nature of the work can be obtained.

The Superintendent of Government Printing will not bind himself to accept the lowest or any tender.

E. J. DEAN,
Supdt., Govt. Printing, India.

CALCUTTA,
The 16th September 1884.

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 28th August 1884.

Mr. F. J. Fergusson, the Official Trustee of Bengal, having obtained extension of leave for two months from the 15th January 1885, the Honorable the Chief Justice has, under Section 7 of Act XVII of 1864, directed that Mr. A. B. Miller, Barrister-at-Law, shall continue to officiate as Official Trustee during the absence of Mr. Fergusson on leave, or until further orders; the duties of Official Trustee to be performed by Mr. Miller in addition to his own duties as Official Assignee of the Insolvent Court.

R. BELCHAMBERS,
Registrar.

No. 1276.—*Account of Revenue and Expenditure of the Government of India for the first two months of the year 1884-85, as compared with the corresponding period of 1883-84.*

N.B.—Amounts are converted into sterling at R10 to the pound sterling.

	Revenue.	Estimates, 1884-85.	April 1883 to May 1883.	April 1884 to May 1884.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue *	22,396,600	3,829,271	3,858,333	29,062	...
II	Opium	8,594,200	1,493,165	1,390,704	...	102,461
III	Salt	6,328,900	1,086,765	1,226,656	139,891	...
IV	Stamps	3,533,000	585,463	612,932	27,469	...
V	Excise	3,796,900	628,521	657,080	28,559	...
VI	Provincial Rates	2,740,300	523,597	513,507	...	10,090
VII	Customs	1,289,500	269,259	214,725	...	54,534
VIII	Assessed Taxes	518,100	172,353	168,978	...	3,375
IX	Forest	1,052,000	100,959	105,574	4,615	...
X	Registration	265,600	48,478	46,409	...	2,069
XI	Tributes from Native States	695,900	82,324	87,484	5,160	...
XII	Post Office	1,059,000	170,690	176,132	5,442	...
XIII	Telegraph	547,700	67,174	64,701	...	2,473
XIV	Mint	102,200	9,007	30,157	21,150	...
XV	Law and Justice	617,900	81,277	69,885	...	11,392
XVI	Police	308,800	46,014	46,957	943	...
XVII	Marine	205,900	20,856	19,894	...	962
XVIII	Education	198,700	33,201	28,614	...	4,587
XIX	Medical	46,100	9,340	6,406	...	2,934
XX	Scientific and other Minor Departments.	75,700	9,452	9,226	...	226
XXI	Interest	643,100	148,027	148,568	541	...
XXII	Receipts in aid of Superannuation, &c.	194,200	20,345	16,689	...	3,656
XXIII	Stationery and Printing	53,000	5,803	6,222	419	...
XXIV	Miscellaneous	248,300	28,654	34,164	5,510	...
		55,511,600	9,469,995	9,539,997	70,002	...
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,716,900	557,669	595,696	38,027	...
	East Indian Railway (Gross Earnings).	4,850,000	916,339	810,537	...	105,802
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,613,000	1,453,793	1,375,197	...	78,596
XXVII	Irrigation and Navigation (direct Receipts).	942,600	91,900	68,868	...	23,032
	Unproductive Public Works.					
XXIX	State Railways	196,100	6,719	35,368	28,649	...
XXX	Southern Mahratta Railway	...	...	2,131	2,131	...
XXXI	Irrigation and Navigation	140,700	13,042	13,880	838	...
XXXII	Military Works	37,700	3,523	3,054	...	469
XXXIII	Civil Buildings, Roads and Services	520,600	71,086	70,651	...	435
XXXIV	Army	810,000	122,028	110,871	...	11,157
XXXV	Military Operations in Egypt	...	444	...	...	444
		70,339,200	12,706,538	12,626,250	...	80,288
	England, including Army, Public Works, &c.	221,200	46,958	50,039	3,081	...
	GRAND TOTAL	70,560,400	12,753,496	12,676,289	...	77,207

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 23rd September 1884.

	Expenditure.	Estimates, 1884-85.	April 1883 to May 1883.	April 1884 to May 1884.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt †	3,798,300	785,809	831,375	45,566	...
2	Do. on other Obligations	470,300	22,970	46,301	23,331	...
3	Refunds and Drawbacks	220,400	34,916	30,915	...	4,001
4	Assignments and Compensations	1,240,100	240,841	236,063	...	4,778
5	Land Revenue	3,340,100	468,989	497,441	28,452	...
6	Opium (including cost of production)	2,352,000	774,960	1,774,525	999,565	...
7	Salt (do. do.)	521,700	67,411	69,598	2,187	...
8	Stamps	85,600	13,481	15,343	1,862	...
9	Excise	98,600	15,691	14,472	...	1,219
10	Provincial Rates	53,000	3,455	2,493	...	962
11	Customs	142,000	22,653	23,829	1,176	...
12	Assessed Taxes	13,800	1,554	1,501	...	53
13	Forests	724,000	77,439	100,188	22,749	...
14	Registration	176,500	30,725	28,212	...	2,513
15	Post Office	1,146,500	178,382	181,241	2,859	...
16	Telegraph	628,700	78,987	79,462	475	...
17	Mint	73,400	14,187	13,330	...	857
18	General Administration	1,343,200	203,849	222,971	19,122	...
19	Law and Justice	3,376,700	524,687	537,916	13,229	...
20	Police	2,793,900	435,133	447,411	12,278	...
21	Marine (including River Navigation)	381,000	55,836	51,932	...	3,904
22	Education	1,237,100	176,354	176,383	29	...
23	Ecclesiastical	167,100	25,492	27,429	1,937	...
24	Medical	722,900	116,625	115,070	...	1,555
25	Political	548,200	73,188	66,683	...	6,505
26	Scientific and other Minor Departments	428,600	91,822	97,009	5,187	...
27	Territorial and Political Pensions	675,300	110,589	106,781	...	3,808
28	Civil Furlough and Absentee Allowances	900	123	267	144	...
29	Superannuation Allowances and Pensions	783,900	186,006	204,696	18,690	...
30	Stationery and Printing	383,300	55,871	57,779	1,908	...
31	Miscellaneous	268,600	38,954	43,515	4,561	...
32	Famine Relief	...	103	56	...	47
33	Protective Works—Railways	1,138,600	29,425	135,648	106,223	...
34	Do. do. Irrigation	310,100	43,581	33,882	...	9,699
35	Reduction of Debt	301,300	...	...	...	...
49	Exchange on transactions with London	3,538,100	792,895	647,897	...	144,998
		33,483,800	5,792,983	6,919,614	1,126,631	...
	Productive Public Works.					
36	State Railways (Working Expenses)	2,027,700	277,501	296,298	18,797	...
	East Indian Railway (Working Expenses)	2,052,500	388,030	293,755	...	94,275
37	Guaranteed Railways (Surplus Profits, Land and Supervision).	530,000	99,319	26,959	...	72,360
38	Irrigation and Navigation (Working Expenses).	562,100	71,208	83,811	12,603	...
39	Charges in respect of Capital— (c) Guaranteed Railways Interest	5,300	...	...	...	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	166,700	45,526	23,020	...	22,506
41	Do. (Working and Maintenance)	176,700	16,069	24,551	8,482	...
42	Subsidized Railways	66,200	6,546	9,120	2,574	...
	Southern Mahratta Railway	89,500	...	1,963	1,963	...
43	Frontier Railways	—73,000	—26,955	—44,496	—17,541	...
44	Irrigation and Navigation	752,200	117,493	99,658	...	17,835
45	Military Works	919,200	108,801	115,076	6,275	...
46	Civil Buildings, Roads, and Services	3,882,200	466,252	444,742	...	21,510
47	Army	12,121,300	1,947,141	1,995,596	48,455	...
48	Military Operations in Egypt	...	15,477	...	...	15,477
		56,762,400	9,325,391	10,289,667	964,276	...
	England, including Army, Public Works, Guaranteed Interest, &c.	13,993,200	2,902,626	3,259,077	356,451	...
		70,755,600	12,228,017	13,548,744	1,320,727	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,239,900	205,493	276,241	70,748	...
	East Indian Railway	540,000	38,547	18,468	...	20,079
51	Irrigation and Navigation	948,300	91,495	78,843	...	12,652
52	Miscellaneous Public Improvements	...	3,265	...	...	3,265
	In England—					
	State Railways	2,035,700	110,214	237,431	127,217	...
	East Indian Railway	...	77,062	72,866	...	4,196
	Irrigation and Navigation	500	1,875	260	...	1,615
		4,764,400	527,951	684,109	156,158	...
	GRAND TOTAL	75,520,000	12,755,968	14,232,853	1,476,885	...

† Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th September 1884.

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans								5 per cent. Loans		GRAND TOTAL.
		Of 1832-33.	Of 1838-38.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Total.	Of 1870.	Transfer Loan of 1879, 4½ per cent. portion.	Total.	Transfer Loans of 1-75% after Six years per cent. portion.	5 per cent. Debenture Loan of 1867-68.	5 per cent. Loan of 1866-67.	
	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Balance of 31st August 1884	64,100	13,36,863	27,73,600	2,34,87,300	99,16,600	2,94,38,037	2,40,02,300	9,15,54,600	46,25,300	10,12,04,900	10,58,30,200	1,24,500	. .	55,200	20,71,03,900
Add—															
Amount enfaced at Madras between 1st and 15th September 1884	. .	. .	4,300	91,700	11,400	95,600	2,000	2,04,300	1,000	18,200	19,200	. .	. .	. .	2,23,500
Amount enfaced at Bombay between 1st and 15th September 1884	. .	. .	. .	1,99,500	1,000	76,500	7,000	2,84,000	51,500	2,26,500	2,78,000	. .	. .	. .	5,62,000
Amount enfaced at Calcutta between 1st and 15th September 1884	. .	. .	. .	24,600	41,500	50,600	16,500	1,33,200	500	1,09,400	1,10,000	. .	. .	. .	2,43,200
	64,100	13,36,863	27,77,900	2,38,03,100	99,70,500	2,96,60,137	2,49,27,800	9,21,76,100	46,26,300	10,16,19,000	11,57,22,600	1,24,500	. .	55,200	20,31,33,500
Deduct—															
Amount written off in the London Registers . . .	. .	. .	3,000	3,03,100	64,900	1,82,900	63,000	5,06,900	. .	36,000	36,000	. .	. .	. .	5,42,900
Balance on 15th September 1884 . . .	64,100	13,36,863	27,74,900	2,35,00,000	99,05,600	2,94,77,237	2,48,64,800	9,16,69,200	46,26,300	10,15,83,000	11,56,86,600	1,24,500	. .	55,200	20,75,90,600

NOTE.—From 9th June 1867 to 15th July 1884, enfaced from India 4,99 lakhs; re-transferred from London 4,26½ lakhs.

,,	16th July 1884 to 31st	,,	5 ,,
,,	1st Aug. ,, to 15th Aug.	,,	7 ,,
,,	16th ,, to 31st ,,	,,	15 ,,
,,	1st Sept. ,, to 15th Sept.	,,	32 ,,
			8 ,,
			9 ,,
			10 ,,
			5 ,,
			4,31 lakhs.
		Balance against India	5,037 lakhs.
			4,317 ,,
			720 lakhs.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 16th September 1884.

AGENT TO THE GOVERNOR GENERAL FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 15th September 1884.

No. 11.—With reference to Military Works Department No. 40, dated 6th September 1884, Lieutenant E. H. Hemming, R.E., Assistant Engineer, 2nd Grade, is posted to the Sibi Division, and will join that division at the termination of his duties connected with the Zhob Valley Expeditionary Force.

By Order,

W. P. TOMKINS, *Major, R.E.,*
Secy. to Agent to the Govr. Genl. for Biluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 17th September 1884.

No. 2851 *G.*—With reference to Foreign Department Notification No. 1521 G., dated the 6th of August 1884, Surgeon H. N. V. Harington assumed medical charge of the Deoli Irregular Force, and the Harowtee and Tonk Agency, from Surgeon-Major H. Whitwell, on the afternoon of the 6th September 1884.

The 22nd September 1884.

No. 2917 *G.*—Passed Medical Pupil (No. 500) Futteh Mahomed held charge of the duties of the Residency Surgeon in the Eastern Rajputana States, in addition to his own, from the 27th of August to the 4th of September 1884, both days inclusive.

No. 2918 *G.*—First Class Hospital Assistant Alleem-ud-din assumed charge of the duties of the Residency Surgeon in the Eastern Rajputana States, in addition to his own, from the 5th of September 1884.

No. 2919 *G.*—Second Class Hospital Assistant Imdad Hosain has been placed in charge of the duties of the Residency Surgeon in Meywar, in addition to his own, with effect from the afternoon of the 2nd of August 1884.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 17th September 1884.

No. 41.—The undermentioned Assistant Engineers, 2nd Grade, passed, on the dates noted against their names, the examination for promotion to 1st Grade, laid down in Public Works Department Code, Chapter II, paragraphs 16 and 18:—

Huskisson, Lieutenant W.,—12th September 1884.

Browne, Lieutenant C. A. R.,—29th August 1884.

Townshend, Lieutenant E.,—29th August 1884.

The 19th September 1884.

No. 42.—Lieutenant H. Finnis, R.E., Assistant Engineer, 1st Grade, is transferred temporarily from the Sirhind-Lahore Command, Military Works, to the Meerut Command, Military Works.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 15th September 1884.

No. 48.—Mr. G. H. List, Executive Engineer, 2nd Grade, Public Works Department, Railway Branch, temporarily employed on the Bengal and North-Western Railway, is granted fifteen months' leave to Europe on medical certificate, with the usual subsidiary leave, with effect from the 24th September 1884, or from such subsequent date as he may be permitted to avail himself of the same.

The 17th September 1884.

No. 49.—Mr. A. Bewley, Assistant Engineer, 1st Grade, is transferred from the Rewari-Ferozepore State Railway, to the Sind-Pishin State Railway, Northern Section.

This cancels Director General's Notification No. 42, dated 28th August 1884.

The 18th September 1884.

No. 50.—Mr. L. A. Light, Assistant Engineer, 2nd Grade, is granted leave to Europe, on medical certificate, for twelve months, with the usual subsidiary leave, from such date as he may avail himself of the same.

The 19th September 1884.

No. 51.—The services of Mr. E. N. Homan, Store-keeper, in Class III, of the State Railway Superior Revenue Establishment, are placed, temporarily, at the disposal of the Manager, Indus Valley State Railway, for the purpose of stock verifications on that line.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

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

DATE.	Silver tendered, estimated value.	Certificates issued of		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Sept. 15	. . .	. . .	2,95,407	2,27,389	1,18,73,362	1,00,31,579
,, 16	. . .	. . .	2,36,553	4,039	1,21,14,990	1,02,73,308
,, 17	. . .	. . .	. . .	4,039	1,21,14,990	1,02,73,308
,, 18	. . .	. . .	. . .	4,039	1,21,14,990	1,02,73,308
,, 19	Holiday.					
,, 20	4,01,945	. . .	3,082	4,01,956	1,21,19,991	1,02,76,356

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 22nd September 1884.

CURRENCY NOTES.

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

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
17	E 20—77571*	100	The Hon'ble D. G. Barkley, Simla.
	„ —77572*	100	
	„ —77573*	100	
	„ —77574*	100	
	„ —77575*	100	
	„ —77576*	100	
	„ —77577*	100	
18	E 19—70648†	50	Diwan Chand, Gunpat, Contractor, Amritsur Jail.

* Belonging to Agency No. 2, Simla.
† Belonging to Agency No. 1, Rawalpindi.

LAHORE,
The 20th September 1884.

W. H. EGERTON,
for *Depy. Commr. of Paper Currency.*

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878) that, on or about the 6th July 1884, certain treasure consisting of some gold beads and fourteen Queen's current rupees valued at R15, was discovered by Luxumun wd. Bapu Tekadey, of Nalegam, and Balia wd. Ganu, of Maliwada, while digging earth for a house from an open place situated to the south of house No. 4895, in Maliwada, in the city of Ahmednagar, Tuluka Nagar, in the Ahmednagar District—

14 Queen's Rupees.
1 Gold "Tik."
1 Gold "Kudmani."
3 Gold beads.

All persons claiming the same treasure or part thereof are hereby required to appear personally or by agent before the Mamlatdar of Nagar, at his office, on the 1st February 1885, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

B. B. PRADHAN,
Actg. Mamlatdar of Taluka Nagar.
The 30th August 1884.

Report of a Deserter from the 1st Battalion, Royal Welsh Fusiliers, dated at Dum-Dum, this 19th day of September 1884.

Number, Rank, and Name,—No. 2061, Private Daniel O'Halloran.
Age,—25 years 6 months.
Size,—5 feet 6½ inches.
Colour of—
Complexion, fresh; Hair, light brown; Eyes, hazel.
Date of Desertion,—14th September 1884.
Place of Desertion,—Dum-Dum.
Date of Enlistment,—7th September 1878.
At what Place Enlisted,—Cardiff.
Parish and County in which Born,—Cardiff, Glamorganshire.
Marks,—Tattoo marks, right arm, letters.
Trade,—Mason.
Coat or Jacket,— } Regimentals.
Waistcoat,— }
Breeches or Trowsers,— } Regimentals.
REMARKS,—
Under 7 years' service.

F. E. SHEPHERD, *Major,*
for *Comdg. 1st Battn., Royal Welsh Fusiliers.*

Report of a Deserter from the 1st Battalion, Royal Welsh Fusiliers, dated at Dum-Dum, this 19th day of September 1884.

Number, Rank, and Name,—No. 2188, Private Thomas Gray.
Age,—26 years 6 months.
Size,—5 feet 9 inches.
Colour of—
Complexion, dark; Hair, dark-brown; Eyes, blue.
Date of Desertion,—14th September 1884.
Place of Desertion,—Dum-Dum.
Date of Enlistment,—8th March 1879.
At what Place Enlisted,—Londonderry.
Parish and County in which Born,—Gleudenott, Londonderry.
Marks,—None.
Trade,—Baker.
Coat or Jacket,— } Regimentals.
Waistcoat,— }
Breeches or Trowsers,— } Regimentals.
REMARKS,—
Under 6 years' service.

F. E. SHEPHERD, *Major,*
for *Comdg. 1st Battn., Royal Welsh Fusiliers.*

POST OFFICE.

NOTIFICATIONS.

Simla, the 25th September 1884.

From 1st October 1884, a change will be made in the form of application for inland money orders, and a coupon, or slip, will be attached to each, which will be delivered with the money order to the payee without extra charge. The object of the coupon is to enable a remitter to write to the payee the purpose for which the money order is sent, or any other message he pleases. The coupon will be retained by the payee.

2. Forms can be obtained gratis at the Post Office as before. The remitter will have, as at present, to fill in the amount of the order, the payee's name and address and his own name and address on the receipt and acknowledgment. Remitters will continue to receive acknowledgments for their money orders signed by the payees.

3. Remitters must fill in the side of the form printed in black. The reverse printed in red ink is to be filled in by the Post Office only.

TELEGRAPHIC MONEY ORDERS.

With effect from 1st October 1884, Telegraphic Money Orders will be obtainable at all Money Order Offices.

2. A Telegraphic Money Order is an order granted by the Post Office for payment of a sum of money through the agency of the Post Office, the remittance being advised from one Post Office to another by telegraph, and payment being made at the payee's residence. Telegraphic Money Orders will be payable at any Money Order Office.

3. If there be no Government* Telegraph Office at the station of issue, the order will be sent by post to the nearest Government Telegraph Office for transmission onwards by telegraph. If there be no Government Telegraph Office at the station of payment, the order will be sent by post from the nearest Government Telegraph Office.

* Railway (Guaranteed or State) Telegraph Offices are not Government Telegraph Offices within the meaning of these rules.

4. The rates of commission on Telegraphic Money Orders are as follows:—

							₹	a.	p.
On sums not exceeding Rs.			25				0	8	0
„ exceeding	„	25	but not exceeding Rs.			50	0	12	0
„	„	„	50	„	„	75	1	2	0
„	„	„	75	„	„	100	1	8	0
„	„	„	100	„	„	125	1	14	0
„	„	„	125	„	„	150	2	4	0

5. A uniform charge of R2 is made for the telegram advising the remittance, irrespective of the amount of the remittance, provided the amount does not exceed R600, payable to the same payee. These telegrams are sent "urgent."

6. The remitter may write on the coupon attached to the Money Order form any private message he desires to communicate to the payee. Such private message will be added to the telegram advising the remittance, and will be charged for at the rate of 2 annas a word. The remitter may also prepay a reply under the ordinary rules of the Telegraph Department.

7. An official acknowledgment by telegraph of payment of the remittance can be obtained by the remitter. The charge for an acknowledgment is R1.

8. Payment of a Telegraphic Money Order will be made at the residence of the payee by the postman, immediately on receipt of the telegraphic advice by the Office of Payment. With the amount of the order a copy of the telegram will be delivered to the payee.

9. A copy of the detailed rules can be had on application at the Post Office.

BRITISH POSTAL ORDERS.

1. With effect from 1st October 1884, British Postal Orders for fixed sums, from 1s. to £1, will be available for sale to the public at all Head Post Offices, and will be obtainable on application to any Sub-Post Office from its Head Office.

2. The following are the amounts for which British Postal Orders are issued, together with the cost of each order in Indian currency, including commission and exchange:—

Amounts of British Postal Orders.		Cost in Indian currency, including commission and exchange.			Amounts of British Postal Orders.		Cost in Indian currency, including commission and exchange.		
s.	d.	₹	a.	p.	s.	d.	₹	a.	p.
1	0	0	10	9	4	6	2	14	0
1	6	0	15	9	5	0	3	3	0
2	0	1	5	6	7	6	4	11	6
2	6	1	10	3	10	0	6	4	3
3	0	1	15	3	10	6	6	9	0
3	6	2	4	3	15	0	9	6	3
4	0	2	9	0	20	0	12	7	6

Note.—The cost of a British Postal Order is liable to vary slightly, owing to fluctuations of exchange. The rate of exchange in force can be ascertained from the Post Office.

3. British Postal Orders issued from any Indian Post Office are payable at any Money Order Office in the United Kingdom (including the Channel Islands and the Isle of Man) and at Gibraltar and Constantinople.

4. The purchaser of a British Postal Order must, before parting with it, fill in the name of the person to whom the order is to be paid, and may fill in the name of the Money Order Office (in the United Kingdom, &c.) at which the amount is to be paid. If the name of a Money Order Office is not entered by the purchaser, the order will be payable at any Money Order Office named by the payee.

5. The purchaser should keep a record of the number and date and name of the Office of Issue of the order, to facilitate enquiry if the order should be lost.

6. After a British Postal Order has once been paid, to whomsoever it is paid, the British Post Office will not be liable for any further claim.

7. If any erasure or alteration be made, or if the order is cut, defaced, or mutilated, payment may be refused.

8. After the expiration of three months from the last day of the month of issue, a British Postal Order will be payable only on payment by the payee of a commission equal to the amount of the original British poundage marked on the order.

A. U. FANSHAWE,
Offg. Dir. Genl. of the Post Office of India.

Unclaimed Letters held in the Calcutta General Post Office on 23rd September 1884.

Abrahamavicl, Josef.
Coe, P. H.
Calvert, J. C.
Finberry, R. S.
Green, E.
Harrington, B. R.
Heaven, John.
Monnier, J. A.
Martin, E.
Poncin, Léon.
Reilly, H.
Rivers, R.

Letters marked "Care of Post Office."

A. V.
Alice, Mrs.
Andrews, J.
Baggs, W. H.
Baines, Mrs. Emily.
Benson, A. F.
Bezbaron, G.
Bowen, Mrs. M. A.
Braunstein, N.
Brigg, E. A.
Brooks, L.
C. G.
Chapman, Frank.
Cooper, H.
E. S. H.
Evans, Peter.
Farrow, Mrs. E.
Fitzherbert, A. J.
Fredalis, Soni
Garfield, John.
G. R.
Gill, F. N. G.
Goddard, G.
H. M. W.
Harman, J. M.
Hoskins, A. C.
Hurst, W. H.
Jackson, J. A.
King, W.
Livingston, Archibald.
Lynum, R.
M. A. G.
M. T. S.
Matson, E.
Mawson, J. R.
Meij, H.
"Merchant."
Morris, Pierce M.
Nigomar, Victor.
Phœnix, J.
Piot, Mepsieur.
Reynolds, Charles.
Robinson, Ellen.
Schubert, Herrn Oscar.
Selous, Edmund.
Smith, J. B.
Stobie, J. C.
Schomerully, Mr.
Tabone, Govanni.
Vandermont, T.
Vaz, Richard.
Williams, Mostyn.
X. T. Z.
X. Z. G.
Young, F.

Registered Letters.

Benson, A. F.
Bisnee, S. R.
Cherkes, Laya.
Campbell, A.
Ferefourd, Duglass.
Freedrick, Gastav.
Hobson, E. Alfred.
Meyers, G.
Rustomjee, S.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 22nd September 1884.

Angier, Miss J.
Banerjee, Rajendra Nath.
Campbell, J. W.
Chatterjee, Asutosh.
Chatterjee, Ram Kisto.
D'Rozario, Rev. F. J.
Foley, Rev. J.
Ghose, Doyal Chand.
Giri, Mohesh Chundra.
Gordon, Capt. W. L. C.
Harrison, Row & Co.
Lebray, Dhop Dhopi.
Leighton, Msr. Kuydeth.
Mills, G.
Mookerjee, Harendro Nath.
Mittra, Dr. A.
Owen, H. B.
Power, T.
Russell, J.
Whitten, A.
White, Mrs. M.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 27th September 1884.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during the month of October 1884:—

DATE OF CLOSING.	ROUTE.
1st October 1884	By P. & O. Steamer from Calcutta.
6th October 1884	By French Steamer.
10th October 1884*	By B. I. S. N. Co.'s private vessel.
13th October 1884*	By Star Line private vessel.
14th October 1884	By P. & O. Steamer from Bombay.
18th October 1884	By P. & O. Steamer from Calcutta.
24th October 1884*	By B. I. S. N. Co.'s private vessel.
28th October 1884	By P. & O. Steamer from Bombay.
31st October 1884*	By Star Line private vessel.

* These dates are subject to alteration in the event of departure of the vessel being delayed.
N.B.—The letter-box will close at 7 P.M. precisely; after which hour, letters fully prepaid and bearing an extra postage stamp of four (4) annas on each cover will be received up to 7-30 P.M.
The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (prepayment compulsory).
The postage on letters conveyed by the P. & O. and French steamers is three (3) annas per ½ oz. (prepayment optional).

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	1st Oct.	P. & O. Str. *Siam.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies*		
Foreign Mails *vid* Bombay	30th Sept.	From Bombay.
Do. Book Post and Pattern Packets	30th ,,	From Bombay.
Rangoon and Moulmein	29th ,,	From Bombay.
Chittagong, Akyab, Kyouk Phyoo, and Rangoon	1st Oct.	Str. *Maldu.*†
Madras, Ceylon, Batavia, Singapore, and China	1st ,,	Str. *Mahratta.*
	6th ,,	French Str. *Tibre.*

* Also for Cape Colonies through United Kingdom can be forwarded.
† Mails for Port Blair can be forwarded by this opportunity.
N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

E. HUTTON.
Presidency Post Master.

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Rules under the Inland Emigration Act, I of 1882. *Price, 8 annas; packing and postage, 3 annas.*

Annual Report on Inland Emigration for 1880-81. *Price, R1 per copy; packing and postage, 8 annas.*

Ditto ditto ditto for 1882. *Price, R1 per copy; packing and postage, 3 annas.*

Papers regarding the Tea Industry in Bengal. *Price, R3; postage, 3 annas.*

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. Gamble, M.A., Assistant Conservator of Forests, Bengal. *Price, R1-8; postage, 1 anna.*

Report on the Census of Calcutta and its Suburbs, 1881. *Price R4; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1882-83. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1881-82. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1879-80. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1878-79. Published by the Government of Bengal. *Price, R6; postage, 6 annas.*

Report on the Internal Trade of Bengal for the year 1877-78. Published by the Government of Bengal. *Price, R3-8; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, R5; Colored Map, R2-8.*

Report on the Cultivation of, and Trade in, Ganja in Bengal. By Hem Chunder Kerr, Deputy Collector, on special duty. *Price, R1-8; postage, 3 annas.*

Report on the Cultivation of, and Trade in, Jute in Bengal, and on Indian Fibres available for the Manufacture of Paper; with Map. By Hem Chunder Kerr, Deputy Magistrate, on special duty. *Price, R3; postage, 7 annas.*

Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MacDonnell, of the Bengal Civil Service. *Price, R3-8; postage, 6 annas.*

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, R2; packing and postage, 3 annas.*

Report on the Census of Bengal, 1872. By H. Beverley, Esq., C.S., Registrar-General of Bengal. *Price, R10; postage, 9 annas.*

Report on the Effects of Artificial Respi-ration, Intravenous injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, R3; postage, 4 annas.*

Memorandum on the Revenue History of Chittagong. By H. J. S. Cotton, Esq., Collector and Magistrate of Chittagong. *Price, R2-4; packing and postage, 4 annas.*

A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. Westland, Esq., C.S., late Magistrate and Collector of Jessore. *Price, R3; postage, 3 annas.*

The Bengal Administration Report for 1882-83. *Price, R6; packing and postage, 14 annas.*

The Bengal Administration Report for 1881-82. *Price, R6; packing and postage, 10 annas.*

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Map of Bengal, 1874-75. *Price, if taken with the Report, R1; separately, price, R2; postage, 2 annas.*

The Bengal Administration Report for 1873-74. *Price, R4; postage, 5 annas.*

The Bengal Administration Report for 1872-73. *Price, R7-8; postage, 10 annas.*

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Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, R3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, R1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

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Vol.	XX.	Fisheries and Botany of Bengal, with General Index.
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Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Dinapore. *Price, 8 annas per copy; packing and postage, 2 annas.*

Buddha Gayá, the Hermitage of Sákya Muni. By Rájendralála Mitra, LL.D., C.I.E., Honorary Member of the Royal Asiatic Society of Great Britain and Ireland, and of the Physical Class of the Imperial Academy of Sciences, Vienna; Corresponding Member of the German and of the American Oriental Societies; of the Royal Academy of Science, Hungary, and of the Ethnological Society of Berlin; Fellow of the Royal Society of Northern Antiquaries, Copenhagen, &c., &c. *Price, R30; packing and postage, R1-4.*

Further Notes on the Rungpore Records, Vol. II. By E. G. GLAZIER, Esq., C.S., Officiating Magistrate and Collector, Rungpore. *Price, R1; postage, 2 annas.*

Selection of Papers regarding the Hill Tracts between Assam and Burma, and on the Upper Brahmapooter. *Price, R5; postage, 4 annas.*

Selections from Divisional and District Annual Administration Reports, 1872-73, with the Government Resolutions on them. *Price, R5; postage, 6 annas.*

Selections from the Supplement to the *Calcutta Gazette*, 1871 to 1874. *Price, R2-8; postage, 8 annas.*

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Notes on the History of Midnapore, as contained in records extant in the Collector's Office. By J. C. PRICE, Officiating Settlement Officer of Midnapore. Vol. I. *Price, R3; postage, 3 annas.*

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

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Sanitary Primers in English and in Bengali. *Price, R6 per hundred, including transit and packing charges; single copies, 1 anna each.*

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E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 4, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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

NOTICE TO PRINTERS.

Tenders will be received by the Superintendent of Government Printing, 166, Dhurrumtollah Street, Calcutta, up to the 10th October next, for printing, in Urdu and Devnagri characters, Bills, Statements of Objects and Reasons, Reports of Select Committees, Speeches in Council and Acts, from the 1st of January to the 31st December 1885. The work to be done will comprise about 600 copies of about 50 pages of matter of foolscap size monthly, and about 100 pages of each character will have to be kept standing in type.

Copies of the work can be seen at the Office of the Superintendent of Government Printing, No. 166, Dhurrumtollah Street, where full information regarding the nature of the work can be obtained.

The Superintendent of Government Printing will not bind himself to accept the lowest or any tender.

E. J. DEAN,
Supdt., Govt. Printing, India.

CALCUTTA,
The 16th September 1884.

SURVEY OF INDIA.

NOTIFICATION.

Simla, the 17th September 1884.

No. 470.—Mr. J. A. Barker, Assistant Surveyor, 1st Grade, attached to No. 2, Bhopal and Malwa Topographical Survey Party, is granted privilege leave for one month, with effect from 1st September 1884, under Section 138 of the Civil Leave Code.

G. C. DEPRÉE, *Colonel,*
Surveyor General of India.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 13th September 1884.

No. 25.—Third Grade Assistant Surgeon Amrito Lal Mookerjey, of the Bengal provincial establishment, is permitted to resign the service, with effect from the 1st August 1884.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 24th September 1884.

Offices reported opened and closed during the month of August 1884:—

Name of Station.	Where situated.	Date.	Remarks.
Anakapalle	Madras Presdy.	16th	Opened.
Boileauganj (Simla).	Punjab	16th	Ditto.
Gooty	Madras Presdy.	27th	Ditto.
Jagadhri	Punjab	1st	Ditto.
Maler Kotla	Ditto	1st	Ditto.
Motibari	Behar	22nd	Ditto.
Narsingpur	Central Provinces	11th	Ditto.
Palghat	Madras Presdy.	23rd	Ditto.
Pasrur	Punjab	27th	Ditto.
Ramchauk (Peshawar City).	Ditto	2nd	Ditto.
Sipri	Central India	19th	Ditto.
Sirdarpore	Ditto	14th	Ditto.
	Railway.		
Alur	Southern Mahratta Ry.	4th	Ditto.
Alimati			
Badami			
Bagalkot			
Bijapur			
Gadag			
Hudgi			
Hombal			
Indi Road			
Jumnal			
Kotagiri			
Karlimati			
Lochzan			
Mallapur			
Mulvad			
Minchnal			
Nimbal			
Tadval			
Telegi			
Talup	Assam Ry.	14th	Ditto.
Rindli	Sind-Pisheen Ry.		Ditto.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

NORTHERN INDIA SALT REVENUE DEPARTMENT.

NOTIFICATION.

Agra, the 20th September 1884.

No. 8931.—Mr. A. R. Shaw, Assistant Commissioner, on return from leave, resumed charge of the Lower Division, Internal Branch, from Mr. D. Reid, Officiating Assistant Commissioner, on the 18th September 1884, forenoon.

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

A. B. PATTERSON,
Offg. Commr., Northern India Salt Revenue.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 26th September 1884.

No. 3033.—With reference to Central India Agency Notification No. 2892 of the 9th instant, Sahibzada Wahid-ud-din, Attaché to the Governor General's Agent in Central India, availed himself of the three months' privilege leave on the forenoon of the 22nd instant.

By Order,

M. J. MEADE,
for *1st Asst. to the Agent to the Govr. Genl. for Central India.*

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 26th September 1884.

No. 2935 *G.*—The privilege leave granted to Surgeon W. W. Webb, Officiating Medical Officer of the Meywar Bhil Corps, in this Office Notification No. 2592 G., dated the 23rd of August 1884, is extended to sixty-three days.

The 27th September 1884.

No. 2938 *G.*—Lieutenant-Colonel G. L. K. Hewett, Commandant of the Erinpura Irregular Force, returned to duty on the 19th of September 1884 from the ninety days' privilege leave granted him in this Office Notification No. 1427 G., dated the 22nd of May 1884.

No. 2943 *G.*—Captain F. G. Alexander, Officiating 2nd-in-Command of the Erinpura Irregular Force, availed himself on the 22nd of September 1884 of the fifty days' privilege leave granted him in this Office Notification No. 2691 G., dated the 2nd of September 1884.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF AJMERE-MERWARA, IN THE P. W. D.

NOTIFICATION.

Mount Abu, the 24th September 1884.

No. 2342 *S.*—In exercise of the powers conferred by Section 29 of Act XV of 1873 (The North-Western Provinces and Oudh Municipalities Act) the Chief Commissioner of Ajmere-Merwara is pleased to abolish the Octroi duty on opium levied within the limits of the Ajmere Municipality, with effect from 1st April 1884.

By Order,

H. Y. MURRAY, *Lieut.-Colonel,*
Offg. Secy. to the Chief Commr., Ajmere-Merwara, in the P. W. D.

CHIEF COMMISSIONER OF COORG.

NOTIFICATIONS.

Mysore, the 24th September 1884.

No. 12.—The Chief Commissioner is pleased to confirm the following Vaccination Rules for the Municipality of Somvarpett, framed by the Municipal Committee under Sections 19 and 21 of the Indian Vaccination Act, XIII of 1880:—

1. The vaccine station for Somvarpett shall be the school-house built by Sidda Shetty in the Pettah, at which a notice board shall be hung up, stating on what day and hours vaccination will be performed.
2. The vaccinators shall be able to read and write in the vernacular and satisfy the Superintendent, that they have a proper knowledge of, and skill in, the performance of the operation of vaccination.
3. The Civil Surgeon of Coorg shall be the Superintendent of Vaccination. The vaccinators shall be appointed by the Superintendent, who shall have power to suspend them, and, with the concurrence of the Municipal Committee, to dismiss them.
4. The vaccinator or vaccinators shall, during his or their stay at Somvarpett, attend daily between 8 and 11 A.M. at the appointed station. The remainder of the day he or they shall work at the houses of persons who cannot bring their children to the vaccine station, at schools, &c.
5. Persons desirous of having their children vaccinated at their own houses shall pay a fee of annas 8 per case; when parents have more than one child unvaccinated, they shall be charged 4 annas per child.
6. A form of certificate of successful vaccination, of unfitness for vaccination, or of insusceptibility of vaccination, shall be printed and supplied to the vaccinators, who are empowered to fill them up.
7. The lymph used shall be human lymph, and arm to arm vaccination practised as far as possible.
8. Registers of operations performed by the vaccinators shall be kept, showing name, age, sex, father's name, residence, date, and result.
9. Register of all children born after the date of the introduction of the Vaccination Act shall be supplied monthly to the vaccinators by the Vice-President of the Board, who will see that every child on such register is vaccinated within one year of its birth, or that the parents are prosecuted under the Act. Should the child be not in a proper state of health for the operation, a certificate to this effect shall be given by the vaccinator postponing the operation for three or six months.
10. A register of all children unprotected, under the age of 14 years, if boys, and of 8 years, if girls, being within the municipal limits, and of such children as may be brought within those limits, and have resided there over a month, shall also be prepared under the directions of the Vice-President and delivered to the vaccinators for the same purpose as in Rule 9.
11. Monthly and annual reports on the work done shall be presented to the Municipal Committee by the Superintendent of Vaccination.

No. 13.—The Chief Commissioner is pleased to confirm the following Vaccination Rules for the Municipality of Fraserpet, framed by the Municipal Committee under Sections 19 and 21 of the Indian Vaccination Act, XIII of 1880:—

1. The vaccine station for Fraserpet shall be one of the rooms of the Taluk Cutcherry in the Pettah, at which a notice board shall be hung up, stating on what day and hours vaccination will be performed.
2. The vaccinators shall be able to read and write in the vernacular and satisfy the Superintendent, that they have a proper knowledge of, and skill in, the performance of the operation of vaccination.
3. The Civil Surgeon of Coorg shall be the Superintendent of Vaccination. The vaccinators shall be appointed by the Superintendent, who shall have power to suspend them, and, with the concurrence of the Municipal Committee, to dismiss them.
4. The vaccinator or vaccinators shall, during his or their stay at Fraserpet, attend daily between 8 and 11 A.M. at the appointed station. The remainder of the day he or they shall work at the houses of persons who cannot bring their children to the vaccine station, at schools, &c.
5. Persons desirous of having their children vaccinated at their own houses shall pay a fee of annas 8 per case; when parents have more than one child unvaccinated, they shall be charged 4 annas per child.
6. A form of certificate of successful vaccination, of unfitness for vaccination, or of insusceptibility of vaccination shall be printed and supplied to the vaccinators, who are empowered to fill them up.
7. The lymph used shall be human lymph, and arm to arm vaccination practised as far as possible.
8. Registers of operations performed by the vaccinators shall be kept, showing name, age, sex, father's name, residence, date, and result.
9. Registers of all children born after the date of the introduction of the Vaccination Act shall be supplied monthly to the vaccinators by the Subedar of the Nanjarajpatna Taluk, who will see that every child on such register is vaccinated within one year of its birth, or that the parents are prosecuted under the Act. Should the child be not in a proper state of health for the operation, a certificate to this effect shall be given by the vaccinator postponing the operation for three or six months.
10. A register of all children unprotected, under the age of 14 years, if boys, and of 8 years, if girls, being within the municipal limits, and of such children as may be brought within those limits, and have resided there over a month, shall also be prepared under the directions of the Subedar of the Nanjarajpatna Taluk and delivered to the vaccinators for the same purpose as in Rule 9.

11. Monthly and annual reports on the work done shall also be presented to the Municipal Committee by the Superintendent of Vaccination.

The 25th September 1884.

No. 14.—In supersession of the Notification of the Government of India, No. 10 of the 10th February 1876, and under the provisions of Section 9 of Act XV of 1873, the Chief Commissioner is pleased to appoint the undermentioned officers to be *ex-officio* Members of the Committee of the Mercara Municipality :—

The Commissioner of Coorg.
The Civil Surgeon, Coorg.
The Executive Engineer, Coorg.
The Inspector of Schools, Coorg.
The Subedar of Mahadeopet.

Under the provisions of Section 10 of the said Act, the Chief Commissioner is pleased to appoint the Commissioner of Coorg to be the President of the Committee of the Mercara Municipality, and to sanction the election by the said Committee of one of its members as Vice-President.

By Order,

H. WYLIE, *Major*,
Secretary to the Chief Commr. of Coorg.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 25th September 1884.

No. 52.—Mr. R. J. Woods, Assistant Engineer, 1st Grade, sub. *pro tem.*, is transferred from the Indus Valley State Railway to the Sind-Peshin State Railway, Northern Section.

No. 53 *E*.—With reference to Public Works Department Notification No. 228, dated 23rd September 1884, Mr. P. Rainier, in Class III of the Traffic Department of the Superior Revenue Establishment of State Railways, is reposted to the Rajputana-Malwa State Railway.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

SOUTHERN MAHRATTA RAILWAY.

NOTICE.

Poona, the 15th September 1884.

Tenders are invited for the supply of 56,300 teak-wood sleepers, 6 feet long, 8 inches wide, and 4 inches thick, to be of well seasoned timber, free from knots, weather cracks or wanes, sawn and squared, delivered at the store yard at Poona not later than 28th February 1885.

All the sleepers to be passed and branded by an Inspecting Officer.

Tenders to be addressed to the Chief Engineer, Southern Mahratta Railway, Poona, on 1st November 1884. The Chief Engineer does not bind himself to accept the lowest or any tender.

for *Chief Engineer*.

CURRENCY NOTES.

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

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
19	E 2—77602	500	Baboo Treebhooban Chunder Bhuttacharji, through Messrs. Gisborne & Co., 40, Strand, Calcutta.
	„ —77707	500	

LAHORE,
The 25th September 1884.

WILLIAM H. DOBBIE,
for *Depy. Commr. of Paper Currency.*

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
27	B 84—48498	100 each.	Thawood Yacoob Sahib & Co., Madras.
	„ —48499		
	„ —48500		
	„ —48502 to „ —48517		

FORT ST. GEORGE,
The 27th September 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl.,
In charge of Paper Currency Dept.

Rangoon B. B. Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
2	Q 5—02092	50	Moung Thai, Poozoondoung, Rangoon.
	„ —02093	50	
	„ —02094	50	
	Q 6—02501	100	
	„ —02502	100	
	„ —02504	100	
	„ —02505	100	
	„ —02506	100	
	„ —02507	100	
	„ —02508	100	
	„ —02509	100	
	Q 8—00199	500	
	„ —00305	500	
	Q 9—00215	1,000	

RANGOON,
The 26th September 1884.

W. D. COWLEY,
Assistant Comptroller, Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Simla, the 25th September 1884.

From 1st October 1884, a change will be made in the form of application for inland money orders, and a coupon, or slip, will be attached to each, which will be delivered with the money order to the payee without extra charge. The object of the coupon is to enable a remitter to write to the payee the purpose for which the money order is sent, or any other message he pleases. The coupon will be retained by the payee.

2. Forms can be obtained gratis at the Post Office as before. The remitter will have, as at present, to fill in the amount of the order, the payee's name and address and his own name and address on the receipt and acknowledgment. Remitters will continue to receive acknowledgments for their money orders signed by the payees.

3. Remitters must fill in the side of the form printed in black. The reverse printed in red ink is to be filled in by the Post Office only.

TELEGRAPHIC MONEY ORDERS.

With effect from 1st October 1884, Telegraphic Money Orders will be obtainable at all Money Order Offices.

2. A Telegraphic Money Order is an order granted by the Post Office for payment of a sum of money through the agency of the Post Office, the remittance being advised from one Post Office to another by telegraph, and payment being made at the payee's residence. Telegraphic Money Orders will be payable at any Money Order Office.

3. If there be no Government* Telegraph Office at the station of issue, the order will be sent by post to the nearest Government Telegraph Office for transmission onwards by telegraph. If there be no Government Telegraph Office at the station of payment, the order will be sent by post from the nearest Government Telegraph Office.

* Railway (Guaranteed or State) Telegraph Offices are not Government Telegraph Offices within the meaning of these rules.

4. The rates of commission on Telegraphic Money Orders are as follows :—

				₹ a.
On sums not exceeding Rs.	25			0 8
„ exceeding	„ 25	but not exceeding Rs.	50	0 12
„ „	„ 50	„ „	„ 75	1 2
„ „	„ 75	„ „	„ 100	1 8
„ „	„ 100	„ „	„ 125	1 14
„ „	„ 125	„ „	„ 150	2 4

5. A uniform charge of ₹2 is made for the telegram advising the remittance, irrespective of the amount of the remittance, provided the amount does not exceed ₹600, payable to the same payee. These telegrams are sent "urgent."

6. The remitter may write on the coupon attached to the Money Order form any private message he desires to communicate to the payee. Such private message will be added to the telegram advising the remittance, and will be charged for at the rate of 2 annas a word. The remitter may also prepay a reply under the ordinary rules of the Telegraph Department.

7. An official acknowledgment by telegraph of payment of the remittance can be obtained by the remitter. The charge for an acknowledgment is ₹1.

8. Payment of a Telegraphic Money Order will be made at the residence of the payee by the postman, immediately on receipt of the telegraphic advice by the Office of Payment. With the amount of the order a copy of the telegram will be delivered to the payee.

9. A copy of the detailed rules can be had on application at the Post Office.

BRITISH POSTAL ORDERS.

1. With effect from 1st October 1884, British Postal Orders for fixed sums, from 1*s.* to £1, will be available for sale to the public at all Head Post Offices, and will be obtainable on application to any Sub-Post Office from its Head Office.

2. The following are the amounts for which British Postal Orders are issued, together with the cost of each order in Indian currency, including commission and exchange :—

Amounts of British Postal Orders.		Cost in Indian currency, including commission and exchange.	Amounts of British Postal Orders.		Cost in Indian currency, including commission and exchange.
s.	*d.*	₹ *a. p.*	*s.*	*d.*	₹ *a. p.*
1	0	0 10 9	4	6	2 14 0
1	6	0 15 9	5	0	3 3 0
2	0	1 5 6	7	6	4 11 6
2	6	1 10 3	10	0	6 4 3
3	0	1 15 3	10	6	6 9 0
3	6	2 4 3	15	0	9 6 3
4	0	2 9 0	20	0	12 7 6

Note.—The cost of a British Postal Order is liable to vary slightly owing to fluctuations of exchange. The rate of exchange in force can be ascertained from the Post Office.

3. British Postal Orders issued from any Indian Post Office are payable at any Money Order Office in the United Kingdom (including the Channel Islands and the Isle of Man) and at Gibraltar and Constantinople.

4. The purchaser of a British Postal Order must, before parting with it, fill in the name of the person to whom the order is to be paid, and may fill in the name of the Money Order Office (in the United Kingdom, &c.) at which the amount is to be paid. If the name of a Money Order Office is not entered by the purchaser, the order will be payable at any Money Order Office named by the payee.

5. The purchaser should keep a record of the number and date and name of the Office of Issue of the order, to facilitate enquiry if the order should be lost.

6. After a British Postal Order has once been paid, to whomsoever it is paid, the British Post Office will not be liable for any further claim.

7. If any erasure or alteration be made, or if the order is cut, defaced, or mutilated, payment may be refused.

8. After the expiration of three months from the last day of the month of issue, a British Postal Order will be payable only on payment by the payee of a commission equal to the amount of the original British poundage marked on the order.

A. U. FANSHAWE,
Offg. Dir. Genl. of the Post Office of India.

Unclaimed Letters held in the Calcutta General Post Office on 30th September 1884.

Calvert, J. C.	Green, E.	Monnier, J. A.
Coe, P. H.	Harrington, B. R.	Patton, T. G. C.
Colledge, L. D.	Heaven, John.	Poncin, Leon.
Douffet, L. E.	LeTourneux, E.	Reilly, H.
Duncan, B. F.	Lloyd, Captain.	Rivers, R.
Finberry, R. S.	Martin, E.	Walker. F. P.
Frazer, J. Halt.		

Letters marked "Care of Post Office."

A. V.	Gill, F. N. G.	"Merchant."
Alice, Mrs.	Goddard, G.	Morris, Pierce M.
Andrews, J.	Gosset, E. A.	Nigomar, Victor.
Baggs, W. H.	H. M. W.	Phœnix, J.
Baines, Mrs. Emily.	Harman, J. M.	Piot, Monsieur.
Benson, A. F.	Harrison, Lieut. E. B.	Reynolds, Charles.
Bezbaron, G.	Howe, J. E.	Robinson, Ellen.
Bowen, Mrs. M. A.	Hoskins, A. C.	Selous, Edmund.
Braunstein, N.	Hurst, W. H.	Show, E. A.
Brigg, E. A.	Jackson, J. A.	Smith, J. B.
Brooks, L.	King, W.	Smith, James M.
C. G.	Lawless, Hiram.	Stobie, J. C.
Chapman, Frank.	Livingston, Archibald.	Schomerully, Mr.
Cooper, H.	Lynum, R.	Tabone, Giovanni.
E. S. H.	M. A. G.	Uren, Thomas.
Evans, Peter.	M. T. S.	Vaz, Richard.
Farrow, Mrs. E.	Macdonald, Mrs. James.	Williams, Mostyn.
Fredalis, Soni.	Matson, E.	X. T. Z.
Garfield, John.	Mawson, J. R.	X. Z. G.
G. R.	Meij, H.	Young, F.
Galding, Herbert.		

Registered Letters.

Benson, A. F.	Campbell, A.	Rustomjee, S.
Bisnee, S. R.	Ferefourd, Duglass.	Weiss, Samuel.
Cherkes, Laya.	King, Mrs.	

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 22nd September 1884.

Augier, Miss J.	Ghose, Doyal Chand.	Mookerjee, Harendro Nath.
Banerjee, Rajendra Nath.	Giri, Mohesh Chundra.	Mittra, Dr. A.
Campbell, J. W.	Gordon, Capt. W. L. C.	Owen, H. B.
Chatterjee, Asutosh.	Harrison, Row & Co.	Power, T.
Chatterjee, Ram Kisto.	Lebray, Dhop Dhopi.	Russell, J.
D'Rozario, Rev. F. J.	Leighton, Mrs. Kuydeth.	Whitten, A.
Foley, Rev. J.	Mills, G.	White, Mrs. M.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 4th October 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	14th Oct.	From Bombay.
Foreign Mails *vid* Bombay	7th ,,	From Bombay.*
Do. Book Post and Pattern Packets	6th ,,	From Bombay.
Rangoon and Moulmein	8th ,,	Str. *Madura.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	8th ,,	Str. *Busheer.*
Madras, Ceylon, Batavia, Singapore, and China	6th ,,	French Str. *Tibre.*

* Also for Cape Colonies through United Kingdom; also *vid* Aden for Zanzibar, Lamoo, Mombaza, Kilwakivinjee, Lindi, Mozambique, Delagoa Bay, and Cape Colonies can be forwarded.

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

E. HUTTON,
Presidency Post Master.

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

	R	a.	p.
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HENRY F. BLANFORD,
Meteorological Reporter to the Government of India.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 11, 1884.

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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E. J. DEAN,
Supdt., Govt. Printing, India.

CALCUTTA,
The 16th September 1884.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 3rd October 1884.

No. 5.—Mr. W. McGregor, a Superintendent of the 2nd Grade, is allowed furlough for one year under Section 50 of the Civil Leave Code, with effect from the forenoon of the 22nd September 1884.

A. J. LEPPOC CAPPEL.
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR BILUCHISTAN.

NOTIFICATION.

Quetta, the 2nd October 1884.

No. 4505.—The Governor General's Agent is pleased to permit Lieutenant G. H. Lewis to resign his commission in the Biluchistan Volunteer Rifle Corps, with effect from the 26th September 1884.

By Order,

J. R. FITZGERALD,
1st Asst. Agent to the Govr. Genl.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATION.

Mount Abu, the 2nd October 1884.

No. 3087 *G.*—With reference to Foreign Department Notification No. 1761 G., dated the 13th of September 1884, Surgeon-Major D. N. Martin, M.D., assumed medical charge of the Eastern Rajputana States Residency from 1st Class Hospital Assistant Alleem-ooddeen, on the forenoon of the 14th idem.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 4th October 1884.

No. 54.—With reference to Public Works Department Notification No. 231, dated 25th September 1884, Mr. C. Swappe, Executive Engineer, 2nd Grade, is posted to the Sind-Peshin State Railway, Northern Section.

No. 55.—With reference to Public Works Department Notification No. 230, dated 24th September 1884, Mr. B. W. Cantopher, Executive Engineer, 4th Grade, is posted to the Eastern Bengal State Railway.

The 6th October 1884.

No. 56.—With reference to Public Works Department Notification No. 232, dated 25th September 1884, Mr. J. A. A. Wallace, Assistant Engineer, 2nd Grade, is posted to the Bilaspur-Etawah Railway.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

RAJPUTANA-MALWA RAILWAY.
(Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATION.

Ajmere, the 7th October 1884.

No. 12.—Mr. C. E. Vining, District Traffic Superintendent in Class III of the State Railway Superior Revenue Establishment, is granted six months' leave out of India on medical certificate, and ten days' subsidiary leave, with effect from the 20th September 1884, or such subsequent date as he may avail himself of it.

H. DANGERFIELD,
Offg. Manager.

Report of a Deserter from the 2nd Battalion, East Yorkshire Regiment of Foot, dated at Colaba this 30th day of September 1884.

Number, Rank, and Name,—No. 5—2598, Lance Corporal James Stuart.
Age,—28 years 4 months.
Size,—5 feet 5¾ inches.
Colour of—
Complexion, fresh; Hair, dark brown; Eyes, hazel.
Date of Desertion,—21st September 1884.
Place of Desertion,—Camp Deesa.
Date of Enlistment,—3rd August 1880.
At what Place Enlisted,—Hull, Yorkshire.
Parish and County in which Born,—North Renfrewshire.
Marks,—Vaccinated on right arm, tattoo dot, back of left hand, tattoo dot, back of right thumb, scar inside right arm, and on right hip.
Trade,—Labourer.
Coat or Jacket,— } Uniform.
Waistcoat,— .
Breeches or Trowsers,— .
REMARKS,—
Under 5 years' service.

R. L. DASHWOOD, *Lieut.-Colonel,*
Comdg. 2nd Battn., East Yorkshire Regt.

CURRENCY NOTES.

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

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		₹	
10	D 17—71531	50	Abdul Wahid, Indore.

ALLAHABAD,
The 8th October 1884.

A. H. ANTHONY,
Assistant Accountant General, in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
149	P 78—03694	1,000	Tribhoobunchunder Bhattacharjee, 13, Srinath Roy's Lane, Calcutta.
	„ —03693	1,000	
152	P 45—36758	500	
157	P 77—88035	100	The Officiating Post Master General, Bengal.
158	P 77—67611	100	Mr. F. S. Barker, Forest Department, Assam.
	„ —67613	100	
159	R 9—77895	100	Mr H. W. Morriss, care of Assistant Superintendent of Police, Cachar.
	„ —77896	100	
160	R 10—15888	100	Gosto Behari Biswas, care of Bengal Coal Company, Limited, Raneegunge.
161	R 9—57262	100	Deocurndas Ramcoomer, 130, Cotton Street, Calcutta.
	„ —45105	100	
	„ —16078	100	

CALCUTTA,
The 10th October 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
20	E 20—82147	100	Sookha Singh, Clerk, Sind, Punjab, and Delhi Railway Audit Office, Lahore.
	„ —82931	100	
21	E 2—76861*	500	Major G. Whitehead, 1st South Lancashire Regiment, Chirat.
	„ —76862	500	

* Agency No. 6, Peshawar.

LAHORE,
The 4th October 1884.

W. H. EGERTON,
for *Depy. Comm. of Paper Currency.*

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th September 1884.

PARTICULARS.	3½ PER CENT. TRANSFER LOAN OF 1863-64	4 PER CENT. LOANS								5 PER CENT. LOANS	GRAND TOTAL.
		Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1870.	Total.	Of 1870.	Of 1878.	Transfer Loan of 1879, 4 per cent. Portion.	Total.	Transfer Loan of 1879, 5 per cent. Portion.	5 per cent. Debenture Loan of 1867-68.	5 per cent. Loan of 1866-67.	
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
Balance of 15th September 1884	54,100	13,36,853	27,74,800	2,36,00,000	99,06,600	2,45,74,800	9,18,69,290	46,26,300	94,77,300	10,15,83,000	11,56,86,890	1,24,500	. .	58,700	20,75,80,690
Add—															
Amount enfaced at Madras between 16th and 30th September 1884	. .	. .	. .	. .	. .	. .	. .	. .	. .	. .	. .	. .	. .	. .	3,35,000
Amount enfaced at Bombay between 16th and 30th September 1884	. .	. .	. .	35,000	80,000	14,000	3,29,000	. .	1,000	2,000	3,000	. .	. .	. .	4,48,300
Amount enfaced at Calcutta between 16th and 30th September 1884	. .	. .	. .	49,500	8,800	11,000	1,78,300	. .	10,000	2,60,000	2,70,000	. .	. .	50,200	20,93,73,990
	54,100	13,36,853	27,74,800	2,36,84,500	99,94,400	2,45,99,800	9,21,79,590	46,26,300	94,88,300	10,18,45,000	11,59,59,600	1,24,500	. .	50,200	20,93,73,990
Deduct—															
Amount written off in the London Registers	. .	. .	. .	1,35,500	4,800	1,46,500	3,95,500	. .	35,000	93,100	1,28,100	. .	. .	5,23,600	5,23,600
Balance on 30th September 1884	54,100	13,36,853	27,74,800	2,35,49,000	99,89,600	2,44,53,300	9,17,84,090	46,26,300	94,53,300	10,17,51,900	11,58,31,500	1,24,500	. .	56,200	20,78,50,390

NOTE.—From 9th June 1867 to 31st July 1884, enfaced from India 5,000 lakhs; re-transferred from London 4,271 lakhs.

From	1st Aug. 1884 to 15th Aug.	"	32 "
"	16th " to 31st "	"	9 "
"	1st Sept. " to 15th Sept.	"	5 "
"	16th " to 30th "	"	5 "
			4,322 lakhs.

Balance against India . 722 lakhs.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 7th October 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 23rd September 1884.

LIABILITIES				₹	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,351	4	4
	₹	a.	p.			
Public Deposits at Head Office	81.07.427	7	0	1.73.68.973	11	0
Public Deposits at Branches	92,61,546	4	0			
Other Deposits at Head Office and Branches				2.14.54.039	6	5
Bank Post Bills, &c.				4.72.139	8	7
Sundries				12.40,652	11	2
RUPEES				6,46,95,156	9	6

ASSETS	₹	a.	p.	₹	a.	p.
Government Securities				75,60,992	0	0
Other authorized Investments				39.87,662	8	0
Loans on Government and other authorized Securities				92,96.513	8	6
Accounts of Credit on Government and other authorized Securities				75.55.180	5	0
Bills discounted and purchased				1.48.79.418	1	1
Balances with other Banks				8,42.259	14	2
Bullion				34.634	4	6
Dead Stock				11.81.065	0	5
Stamps				8.587	14	0
Sundries				6.28.620	0	2
				4 59.74.933	7	10
Cash and Currency Notes at Head Office	72,57,428	0	10	1,87.20,223	1	8
Cash and Currency Notes at Branches	1,14,62,795	0	10			
RUPEES				6,46,95,156	9	6

By order of the Directors.

BANK OF BENGAL,
Calcutta, 7th October 1884.

J. GORDON,
Chief Accti. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.

Percentage 46·1.

Statement of the Affairs of the Bank of Bengal for the week ending 7th October 1884.

LIABILITIES.				₹	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,351	4	4
	₹	a.	p.			
Public Deposits at Head Office	70,92,751	13	9	1,63,21,919	5	1
Public Deposits at Branches	92,29,167	7	4			
Other Depcsits at Head Office and Branches				2,40,64,234	15	4
Bank Post Bills, &c.				5,71,882	12	8
Sundries				12,91,345	7	3
RUPEES				6,64,08,733	12	8

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				73.16,792	0	0
Other authorized Investments				39,86,655	0	0
Loans on Government and other authorized Securities				86,31,648	14	3
Accounts of Credit on Government and other authorized Securities				75,56.957	12	10
Bills discounted and purchased				1,50,85,770	10	6
Balances with other Banks				8,18,081	9	4
Bullion				29,364	12	11
Dead Stock				11,84,940	11	10
Stamps				8.308	4	9
Sundries				6,29,182	12	1
				4,52,47,702	8	6
Cash and Currency Notes at Head Office	94,71,422	4	6	2,11,61,031	4	2
Cash and Currency Notes at Branches	1,16,89,608	15	8			
RUPEES				6,64 08,733	12	8

By order of the Directors,

BANK OF BENGAL,
Calcutta, 9th October 1884.

J. GORDON,
Chief Accti. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.

Percentage 50·

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Sept. 22	1,75,942	. . .	12	5,77,887	1,21,19,333	1,02,76,368
,, 23	. . .	. . .	. . .	5,77,887	1,21,19,333	1,02,76,368
,, 24	Holidays.					
,, 25						
,, 26						
,, 27						

R. V. RIDDELL, *Major, R.E.*,
Mint Master.

CALCUTTA MINT.
The 6th October 1884.

POST OFFICE.

NOTIFICATIONS.

Simla, the 25th September 1884.

From 1st October 1884, a change will be made in the form of application for inland money orders, and a coupon, or slip, will be attached to each, which will be delivered with the money order to the payee without extra charge. The object of the coupon is to enable a remitter to write to the payee the purpose for which the money order is sent, or any other message he pleases. The coupon will be retained by the payee.

2. Forms can be obtained gratis at the Post Office as before. The remitter will have, as at present, to fill in the amount of the order, the payee's name and address and his own name and address on the receipt and acknowledgment. Remitters will continue to receive acknowledgments for their money orders signed by the payees.

3. Remitters must fill in the side of the form printed in black. The reverse printed in red ink is to be filled in by the Post Office only.

TELEGRAPHIC MONEY ORDERS.

With effect from 1st October 1884, Telegraphic Money Orders will be obtainable at all Money Order Offices.

2. A Telegraphic Money Order is an order granted by the Post Office for payment of a sum of money through the agency of the Post Office, the remittance being advised from one Post Office to another by telegraph, and payment being made at the payee's residence. Telegraphic Money Orders will be payable at any Money Order Office.

3. If there be no Government* Telegraph Office at the station of issue, the order will be sent by post to the nearest Government Telegraph Office for transmission onwards by telegraph. If there be no Government Telegraph Office at the station of payment, the order will be sent by post from the nearest Government Telegraph Office.

* Railway (Guaranteed or State) Telegraph Offices are not Government Telegraph Offices within the meaning of these rules.

4. The rates of commission on Telegraphic Money Orders are as follows:—

				₹	a.
On sums not exceeding Rs.	25			0	8
,, exceeding	,, 25	but not exceeding Rs.	50	0	12
,, ,,	,, 50	,, ,,	,, 75	1	2
,, ,,	,, 75	,, ,,	,, 100	1	8
,, ,,	,, 100	,, ,,	,, 125	1	14
,, ,,	,, 125	,, ,,	,, 150	2	4

5. A uniform charge of ₹2 is made for the telegram advising the remittance, irrespective of the amount of the remittance, provided the amount does not exceed ₹600, payable to the same payee. These telegrams are sent "urgent."

6. The remitter may write on the coupon attached to the Money Order form any private message he desires to communicate to the payee. Such private message will be added to the telegram advising the remittance, and will be charged for at the rate of 2 annas a word. The remitter may also prepay a reply under the ordinary rules of the Telegraph Department.

7. An official acknowledgment by telegraph of payment of the remittance can be obtained by the remitter. The charge for an acknowledgment is ₹1.

8. Payment of a Telegraphic Money Order will be made at the residence of the payee by the postman, immediately on receipt of the telegraphic advice by the Office of Payment. With the amount of the order a copy of the telegram will be delivered to the payee.

9. A copy of the detailed rules can be had on application at the Post Office.

BRITISH POSTAL ORDERS.

1. With effect from 1st October 1884, British Postal Orders for fixed sums, from 1*s.* to £1, will be available for sale to the public at all Head Post Offices, and will be obtainable on application to any Sub-Post Office from its Head Office.

2. The following are the amounts for which British Postal Orders are issued, together with the cost of each order in Indian currency, including commission and exchange:—

Amounts of British Postal Orders.		Cost in Indian currency, including commission and exchange.			Amounts of British Postal Orders.		Cost in Indian currency, including commission and exchange.		
s.	*d.*	₹	*a.*	*p.*	*s.*	*d.*	₹	*a.*	*p.*
1	0	0	10	9	4	6	2	14	0
1	6	0	15	9	5	0	3	3	0
2	0	1	5	6	7	6	4	11	6
2	6	1	10	3	10	0	6	4	3
3	0	1	15	3	10	6	6	9	0
3	6	2	4	3	15	0	9	6	3
4	0	2	9	0	20	0	12	7	6

Note.—The cost of a British Postal Order is liable to vary slightly owing to fluctuations of exchange. The rate of exchange in force can be ascertained from the Post Office.

3. British Postal Orders issued from any Indian Post Office are payable at any Money Order Office in the United Kingdom (including the Channel Islands and the Isle of Man) and at Gibraltar and Constantinople.

4. The purchaser of a British Postal Order must, before parting with it, fill in the name of the person to whom the order is to be paid, and may fill in the name of the Money Order Office (in the United Kingdom, &c.) at which the amount is to be paid. If the name of a Money Order Office is not entered by the purchaser, the order will be payable at any Money Order Office named by the payee.

5. The purchaser should keep a record of the number and date and name of the Office of Issue of the order, to facilitate enquiry if the order should be lost.

6. After a British Postal Order has once been paid, to whomsoever it is paid, the British Post Office will not be liable for any further claim.

7. If any erasure or alteration be made, or if the order is cut, defaced, or mutilated, payment may be refused.

8. After the expiration of three months from the last day of the month of issue, a British Postal Order will be payable only on payment by the payee of a commission equal to the amount of the original British poundage marked on the order.

A. U. FANSHAWE,
Offg. Dir. Genl. of the Post Office of India.

Unclaimed Letters held in the Calcutta General Post Office on 9th October 1884.

Bisnee, S. R.	Frazer, J. Halt.	Patton, T. G. C.
Colledge, L. D.	Guldirberg, Adolfe.	Phillips, E. A.
Dorken, Josua.	LeTourneux, E.	Smith, Thomas M.
Duncan, B. F.	Lloyd, Captain.	Walker, F. P.

Letters marked "Care of Post Office"

A. V.	Golding, Herbert.	"Merchant."
Alice, Mrs.	Gill, F. N. G.	Morris, Pierce M.
Andrews, J.	Gosset, E. A.	Nigomar, Victor.
Betts, Douglas.	H. M. W.	Plot, Monsieur.
Bezbaron, G.	Harman, J. M.	Reed, Willoughby.
Boileau, Captain H.	Harrison, Lieut. E. B.	"Regina"
Bowen, Mrs. M. A.	Howe, J. E.	Robinson, Ellen.
Braunstein, N.	Hoskins, A. C.	Schomerully, Mr.
Brigg, E. A.	Hurst, W. H.	Selous, Edmund.
Brooks, L.	Jackson, J. A.	Seaton, S.
Caurey, Captain.	Kalberer, A. R.	"Stanhope."
C. G.	King, W.	Stobie, J. C.
Chapman, Frank.	Lawless, Hiram.	Tsbone, Giovanni.
Cooper, H.	Livingston, Archibald.	Thomann, Harry.
Davidson, A. G.	Lopez, E.	Thompson, James.
Dodd, Col. C. A.	Lynum, R.	Uren, Thomas.
E. S. H.	M. A. G.	Whymper, F.
Evans, Peter.	Matson, E.	Williams, Mostyn.
Fredalis, Soni.	Mawson, J. R.	X. T. Z.
Garfield, John.	Meij, H.	X. Z. G.
G. K.		

Registered Letters.

Bisnee, S. R.	Fernandes, Francis.	Rustomjee, S.
Cherkes, Laya.	King, Mrs.	Weiss, Samuel.
Forefourd, Duglass.		

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 6th October 1884.

Beardsmore, T. C.	Plott, F. J.	Upton, R. L.
Bhattacharjee, Sasodhor.	Russell, J.	Walker, P. G.
Jones, W. M.	Show, Ockoy Coomar.	Walker, H.
Leighton, Mrs. Kuydeth.	Serker, Lokuath.	Wyatt, A. W. L.
Mittra, Dr. A.		

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 11th October 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	18th Oct.	P. & O. Str. *Bokhara.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	14th "	From Bombay.
Foreign Mails *viâ* Bombay	14th "	From Bombay.*
Do. Book Post and Pattern Packets	13th "	From Bombay.
Rangoon and Moulmein	15th "	Str. *Pemba.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	15th "	Str. *Commilla.*

* Also for Cape Colonies through United Kingdom can be forwarded.
N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON.
Presidency Post Master

Meteorological Publications for Sale.

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

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages	1	8	0
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates	1	8	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	0	8	0
Rainfall Map of India (in 2 sheets, scale 64 miles to the inch) showing the average annual distribution of rainfall (in colours)	3	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates	2	0	0
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates	2	8	0
Register of the Original Observations of the six stations in India for 1879, reduced and corrected	2	8	0
Register of the Original Observations of the six stations in India for 1880, reduced and corrected	2	8	0
Register of the Original Observations of the six stations in India for 1881, reduced and corrected	2	8	0
Register of the Original Observations of the six stations in India for 1882, reduced and corrected	2	8	0

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

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, appear in monthly parts, published as soon as possible after the first of each month, at Calcutta, Madras, Bombay, and Allahabad, and comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court are reported in the series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court are reported in the Calcutta Series.

The Calcutta Series is distributed by the Bengal Secretariat; the copies for subscribers registered by Messrs. Thacker, Spink & Co., are distributed by that firm; and the Madras, Bombay and Allahabad Series are distributed direct from Madras, Bombay, and Allahabad respectively.

On and from the 1st January, 1884, the terms of subscription and sale will be reduced as follow:—

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The Government Central Book Depôt, Bombay.
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Orders and subscriptions for 1884 should be at once remitted.

NOTICE.

Indian Law Reports.

Advertisements will be received for publication on the wrappers of the Indian Law Reports, Calcutta Series, by the Calcutta Central Press Company, "Limited," 5—1, Council House Street, at the following rates, payable in advance:—

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For one issue	R 15	R10	R 6
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" six "	" 70	" 40	" 25
" twelve "	" 110	" 70	" 45

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THE BENGAL LAW REPORTS.

A few sets of the Bengal Law Reports (Volumes 1 to 15) are available at Messrs. Thacker, Spink & Co., Calcutta, at R375 a set.

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To all Officers employed in Government Departments who are in receipt of salaries under R500 per mensem, on a certificate being furnished declaring that the book is to be purchased only for the personal use of the officer, *R3; packing and postage, 8 annas.*
Apply to the Superintendent, Commissioner's Office, Ajmer.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 18, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

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TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 7th October 1884.

Offices reported opened and closed during the month of September 1884:—

Name of Station.	Where situated.	Date.	Remarks.
Badani . .	Sind . . .	15th .	Closed.
Chatrapur . .	Madras Presdy. .	2nd .	Opened.
Etawah . .	N.-W. Provinces .	11th .	Ditto.
Fatehgarh . .	Ditto . .	13th .	Ditto.
Fatehpur . .	Ditto . .	16th .	Ditto.
Hazro . .	Punjab . .	10th .	Ditto.
Jaunpur City .	N.-W. Provinces .	15th .	Ditto.
Kendrapara .	Bengal . .	12th .	Ditto.
Kzaikto . .	British Burmah .	16th .	Ditto.
Lahore City .	Punjab . .	13th .	Ditto.
Mirzapore City .	N.-W. Provinces .	16th .	Ditto.
Pankabaree .	Bengal . .	24th .	Ditto.
Rawalpindi City .	Punjab . .	1st .	Ditto.
Shwedaung .	British Burmah .	10th .	Ditto.
	Railways.		
Bhojapura . .	Bareilly-Pilibhit State Ry.	15th .	Opened.
Pakpatan . .	Sind, Punjab, and Delhi Ry.	30th .	Ditto.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 6th October 1884.

No. 471.—Lieutenant S. G. Burrard, R.E., who has been appointed an Assistant Superintendent, 2nd Grade, under Notification No. 573—52-11S., dated 2nd instant, of the Government of India, in

the Revenue and Agricultural Department, is appointed to officiate in the 1st Grade of Assistant Superintendent, with effect from the forenoon of the 2nd September 1884.

The 10th October 1884.

No. 473.—The following promotion is made, with effect from the forenoon of the 25th September 1884, *vice* Mr. J. McCay, deceased :—

Mr. J. C. Kelly, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

G. C. DEPRÉE, *Colonel*,
Surveyor General of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 8th October 1884.

No. 3148.—With reference to Foreign Department Notification No. 1773 G., dated the 15th September 1884, Major F. H. Maitland surrendered, and Lieutenant-Colonel A. W. Roberts received, charge of the Office of Political Agent and Superintendent of Charkhari on the forenoon of the 27th September 1884.

By Order,

D. ROBERTSON, *Captain*,
1st Asst. to the Agent to the Govr. Genl. for Central India.

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

NOTIFICATIONS.—ESTABLISHMENT.

Indore, the 2nd October 1884.

No. 9.—Under orders of the Government of India, the Agent to the Governor General for Central India has authorized temporary formation of a separate Executive Division of Public Works, to be styled "Mhow Fort Division" until further order.

No. 10.—Major H. H. Cole, R.E., Executive Engineer, 1st Grade, is appointed Executive Engineer, Fort Division. The following Officers and Subordinate are also posted to the Mhow Fort Division :—

Mr. F. W. M. Scott, Assistant Engineer, 1st Grade.

Mr. D. M. Litster, Assistant Engineer, 2nd Grade.

Mr. A. J. Fluke, Supervisor, 2nd Grade.

Mr. Litster will remain in the Indore Division until completion of Duly College at Indore, or till further orders.

By Order,

C. S. THOMASON, *Col., R.E.*,
Secy. to Agent to the Govr. Genl. for Central India, P. W. D.

CHIEF COMMISSIONER AND SUPERINTENDENT, ANDAMAN AND NICOBAR ISLANDS.

NOTIFICATION.

Port Blair, the 4th October 1884.

No. 12.—Consequent on the departure of Mr. F. E. Tuson, Officiating 3rd Assistant Superintendent, Port Blair and Nicobars, on privilege leave, on the afternoon of the 4th instant, the following officiating appointments are made, with effect from that date :—

Mr. O. H. Brookes, from Extra Assistant Superintendent, 1st Class, to Officiating 3rd Assistant Superintendent.

Mr. W. Jessop, from Officiating Extra Assistant Superintendent, 2nd Class, to Officiating Extra Assistant Superintendent, 1st Class.

T. CADELL, *Colonel*,
Chief Commr. of the Andaman and Nicobar Islands, and Supdt. of Port Blair and Nicobars.

EXAMINER OF STATE RAILWAY ACCOUNTS, MADRAS.

NOTICE.

Madras, the 8th October 1884.

The Office of the Examiner of Accounts, Bellary-Kistna and Cuddapah-Nellore State Railways, at present stationed at Madras, will be removed to Bellary, its permanent Head Quarters, from and after Monday, 3rd November 1884. All letters and telegrams which cannot reach Madras by Saturday, 1st November 1884, should be addressed to Bellary.

A. GRANT,
Offg. Examiner, State Ry. Accounts.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 6th October 1884.

No. 57.—Mr. W. Wiseman, Executive Engineer, 2nd Grade, sub. *pro tem.*, attached to the Office of the Director General of Railways, is posted to the Sind-Peshin State Railway, Northern Section.

The 8th October 1884.

No. 58.—With reference to Public Works Department Notification No. 227, dated 22nd September 1884, Mr. R. N. Hodges, Executive Engineer, 3rd Grade, is posted to the Sind-Sagar Railway Surveys.

No. 59.—With reference to Government of India, Public Works Department, Notification No. 238, dated 3rd October 1884, Mr. F. D. Fowler, Assistant Engineer, 1st Grade, sub. *pro tem.*, is posted to the Bilaspur-Etawah State Railway.

The 11th October 1884.

No. 60.—Mr. H. T. Wadley, Assistant Engineer, 3rd Grade, is transferred from the Rajputana-Malwa State Railway to the Sind-Sagar Railway Surveys.

The 13th October 1884.

No. 61.—Mr. H. McMillan, Assistant Engineer, 2nd Grade, is transferred from the Jhansi-Manickpur to the Rajputana-Malwa State Railway.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

RAJPUTANA-MALWA RAILWAY.
(Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATIONS.

Ajmere, the 11th October 1884.

No. 13.—Mr. C. L. Biscoe, District Traffic Superintendent, Rewari-Sirsa District, in Class IV of the State Railway Superior Revenue Establishment, has been granted by Her Majesty's Secretary of State for India six months' sick leave in extension of the six months' leave on medical certificate granted him in Manager's Notification No. 8 of the 7th May 1884.

No. 14.—Mr. C. E. Cardew, Assistant Locomotive Superintendent in Class III of the State Railway Superior Revenue Establishment, has been granted by Her Majesty's Secretary of State for India three months' furlough in extension of the fifteen months' furlough granted him in Manager's Notification No. 2 of the 15th August 1883.

H. DANGERFIELD,
Offg. Manager.

SOUTHERN MAHRATTA RAILWAY.

NOTICE.

Poona, the 15th September 1884.

Tenders are invited for the supply of 56,300 teak-wood sleepers, 6 feet long, 8 inches wide, and 4 inches thick, to be of well seasoned timber, free from knots, weather cracks or wanes, sawn and squared, delivered at the store yard at Poona not later than 28th February 1885.

All the sleepers to be passed and branded by an Inspecting Officer.

Tenders to be addressed to the Chief Engineer, Southern Mahratta Railway, Poona, on 1st November 1884. The Chief Engineer does not bind himself to accept the lowest or any tender.

for *Chief Engineer*.

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

Date.	Silver tendered, estimated value.	Certificates issued on: General Treasury.	Certificates issued on: Currency Department.	Balance of Bullion: Under Assay.	Balance of Bullion: Assayed.	Balance of Bullion: Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Oct. 6	9,47,503	. . .	. . .	15,25,340	1,21,15,930	1,02,76,368
,, 7	. . .	. . .	. . .	15,25,390	1,21,15,930	1,02,76,368
,, 8	. . .	. . .	. . .	15,25,390	1,21,15,930	1,02,76,368
,, 9	. . .	. . .	. . .	15,25,390	1,21,15,930	1,02,76,368
,, 10	. . .	. . .	2,89,751	12,55,193	1,24,11,933	1,05,73,341
,, 11	. . .	. . .	2,73,052	9,91,391	1,26,95,925	1,08,56,308

R. V. RIDDELL, *Major, R.E.*,
Mint Master.

CALCUTTA MINT,
The 13th October 1884.

CURRENCY NOTES.

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

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
165	R 9—69571	100	Hur Kishore Mozumdar, Excise Darogah, Bhaugulpore.
170	R 9—69782	100	Natobur Das, care of Ramsoonder Das, Changdobe, *vid* Gopalnagore Post Office, District Bankoorah.
171	P 39—96207	50	Khethebash Mistri of Kohima.
172	P 9—04365	50	The Acting Superintendent of Police, Eastern Bengal State Railway Police Department, Sealdah Terminus, Calcutta.
	P 39—14403	50	

CALCUTTA,
The 17th October 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
22	E 20—82103	100	H. Sydney Jones, Esq., Assistant Engineer, care of Post Master, Hissar.
23	*E 19—73910	50	Major G. Whitehead, President, Mess Committee, 1st South Lancashire Regiment, Peshawar.
	,, —73931	50	
	,, —73932	50	
	,, —73933	50	
	,, —73958	50	
	,, —73959	50	
	,, —73960	50	

* All belonging to Agency No. 6, Peshawar.

LAHORE,
The 11th October 1884.

W. H. EGERTON,
for Depy. Commr. of Paper Currency.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department, received in the Office of the Accountant General, Public Works Department, up to the 4th October 1884.

Order of receipt.	Public Works (Buildings and Roads and Military Works Branch) and Telegraph.	Last month for which received.	Date of receipt.
1	Port Blair	July 1884	Sept. 13, 1884
2	Punjab	Do.	Do. 19, "
3	Rajputana	Do.	Do. 23, "
4	Central India	Do.	Do. 24, "
5	Bengal	Do.	Do. 26, "
6	Assam	Do.	
	Bombay		
	Hyderabad	Do.	Do. 29, "
	North-Western Provinces and Oudh.		
10	Coorg	Do.	Do. 30, "
11	Madras	Do.	
12	British Burma	Do.	Oct. 4, "
13	Military Works Branch	June	Aug. 23, "
14	Central Provinces	Do.	Sept. 24, "

Order of receipt.	Irrigation.	Last month for which received.	Date of receipt.
1	Punjab	July 1884	Sept. 19, 1884
2	Bengal	Do.	Do. 22, "
3	Rajputana	Do.	Do. 24, "
4	Bombay	Do.	Do. 25, "
5	North-Western Provinces and Oudh.	Do.	Do. 26, "
6	Madras	Do.	Do. 30, "
7	British Burma	Do.	Oct. 4, "
	Telegraphs.		
1	Indo-European	June 1884	Sept. 5, 1884
2	Indian	Do.	Do. 10, "
3	General	Do.	Do. 16, "
	Guaranteed Railways.		
1	Punjab	July 1884	Sept. 19, 1884
2	State Ry., Stores Branch	Do.	Do. 22, "
3	Bengal	Do.	Do. 25, "
4	Bombay	Do.	Do. 29, "
	North-Western Provinces and Oudh.		
6	Madras	Do.	Do. 30, "

Order of receipt.	State Railways (Capital).	Last month for which received.	Date of receipt.
1	N.-W. P. & Oudh Subsidized.	July 1884	Sept. 13, 1884
2	Bengal Provl. Surveys	Do.	Do. 15, "
	Bhopal		
	Umritsar-Pathankot		
4	Bengal Administrative	Do.	Do. 19, "
	Durgawati		
	State Ry., Stores Branch		
7	Nalhati	Do.	Do. 20, "
	Patna & Gya		
	Bengal Central		
9	N.-W. P. & Oudh Provl. Survey.	Do.	Do. 22, "
	Punjab Northern		
	Bengal & North-Western		
12	Tirhoot	Do.	Do. 23, "
	Wardah Coal		
15	Ranighat-Bhagwangola	Do.	Do. 25, "
	British Burma		
	Indus Valley		
16	Jhansi-Manickpur	Do.	Do. 27, "
	N.-W. P. & Oudh Provl. Survey.		
	Sind-Pishin		
	Assam Surveys		
	Bombay Surveys		
	Nagpur-Chhattisgarh		
	Rewari-Ferozepore		
21	Sindia	Do.	Do. 29, "
	Sind-Pishin (Northern Sec.)		
	Assam Subsidized		
	Dhond & Manmad		
	Kasnia-Dhuria		
28	Madras Surveys	Do.	Do. 30, "
	Eastern Bengal		
32	Pacca-Mymensing	Do.	Oct. 3, "
34	Northern Bengal	Do.	Do. 4, "
35	Bassein-Henzada Survey	Do.	Aug. 27, "
36	Bhavnagar-Gondal (Laud)	June	Sept. 4, "
	Holkar		
38	Rajputana-Malwa	Do.	Do. 6, "
	Bellary-Kistna		
40	Cuddapah-Nellore	Do.	Do. 8, "
	Southern Mahratta		
41	Calcutta & South-Eastern	Do.	Do. 13, "
43	East Indian	Do.	Do. 27, "
44	Cawnpore-Acheyra	Do.	Do. 29, "
45	Western Deccan	May	July 26, "

Order of receipt.	State Railways (Revenue).	Last month for which received.	Date of receipt.
1	Nalhati	July 1884	Sept. 23, 1884
3	Punjab Northern	Do.	Do. 24, "
4	Bhopal	Do.	Do. 25, "
	Nagpur-Chhattisgarh		
	British Burma		
5	Kasnia-Dhuria	Do.	Do. 27, "
	Tirhoot		
	Indus Valley		
8	Northern Bengal	Do.	Do. 29, "
	Wardah Coal		
11	Eastern Bengal	Do.	Do. 30, "
12	Rajputana-Malwa	Do.	Do. 4, "
	Rewari-Ferozepore	June	
14	Calcutta & South-Eastern	Do.	Do. 13, "
16	Southern Mahratta	Do.	Do. 25, "
17	Cawnpore-Acheyra	Do.	Do. 27, "
	East Indian	Do.	
	Foreign States.		
1	Nizam's	July 1884	Sept. 29, 1884
2	Bhavnagar-Gondal	June	Oct. 23, "

A. J. FILGATE, *Lieut.-Colonel, R.E.,*
Accountant General, P. W. Dept.

Simla, the 7th October 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 14th October 1884.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,59,331	4	4
Public Deposits at Head Office (₹ 88,03,574 13 6)	1,79,89,516	8	6
Public Deposits at Branches (₹ 91,85,941 11 0)			
Other Deposits at Head Office and Branches	2,57,48,854	14	3
Bank Post Bills, &c.	5,43,030	12	4
Sundries	13,03,620	5	9
RUPEES	6,97,44,353	13	2

ASSETS.	₹	a.	p.
Government Securities	70,89,526	0	0
Other authorized Investments	39,22,640	0	0
Loans on Government and other authorized Securities	80,98,494	10	7
Accounts of Credit on Government and other authorized Securities	76,27,461	4	1
Bills discounted and purchased	1,48,83,378	6	9
Balances with other Banks	8,37,931	14	7
Bullion	29,202	4	11
Dead Stock	11,84,445	4	1
Stamps	8,458	4	0
Sundries	6,29,300	13	11
	4,43,10,838	14	11
Cash and Currency Notes at Head Office (₹ 1,35,77,426 5 6)	2,54,33,514	14	3
Cash and Currency Notes at Branches (₹ 1,18,56,088 8 9)			
RUPEES	6,97,44,353	13	2

BANK OF BENGAL,
Calcutta, 16th October 1884.

J. GORDON,
Chief Accts. & Depy. Secretary.

By order of the Directors,
W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.
Percentage 55·8.

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878) that, in March last, the treasure described below, valued at ₹212-4-0, was found under ground in Kandiyot Thalath Mataparamba, in occupation of Chabi Velu, in Menasseri Amsam, Calicut Taluk, in the District of Malabar :—

Description of Property.	*Approximate Value.* ₹	a.	p.
Three gold bangles, with copper plate inside, weighing 9⅛ rupees	27	0	0
One gold necklace (in full), weighing 3¾ rupees	45	0	0
One gold necklace (nearly half) weighing 1½ rupees	18	0	0
One gold pithamothram, weighing ⅞ rupee	10	8	0
Three gold rings, weighing 1⅛ rupees	17	0	0
One piece of solid gold, weighing 1⅞ rupee	19	0	0
Twenty-three pieces of gold valia kuttam mothiram, weighing 2¼ rupees	10	0	0
Twelve golden beads, weighing 7/16 rupee	3	0	0
One pair of pavizha katila, weighing 12 fanams	2	0	0
One golden kotakatukkan, weighing ⅜ rupee	2	0	0
Thirty-nine cheru thalis, weighing 1¾ rupees	18	0	0
Small pieces of gold, weighing 6½ fanams	2	0	0
Two golden pilla kuzhal, weighing 6 fanams	1	12	0
Twelve golden elassu with sealing wax on silver chain, weighing 1⅛ rupee	4	0	0
Four golden beads, weighing 2½ fanams	0	12	0
A small brass vessel	0	1	0
One silver waist ornament in full, weighing 33½ rupees	28	0	0
One piece of silver waist ornament, weighing 9¾ rupees	4	0	0
One broken copper vessel	0	3	0
TOTAL	212	4	0

All persons claiming the said treasure or part thereof are hereby required to appear personally or by agent before the Collector of Malabar, on the 25th November 1884, at his office, in order to the matter being enquired into and determined according to the provisions of the said Act.

C. A. GALTON,
Actg. Collector.

MALABAR COLLECTOR'S OFFICE,
CALICUT,
The 30th June 1884.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, in the month of July 1884, treasure consisting of eighty-three old gold coins called Rukalu, three pairs of gold earrings called Gundupogulu, three gold earrings called Alakakadalu, and one pair of earrings called Nagojodulu, weighing in all 6 tolas and 22½ chinnams, and valued approximately ₹128, was found in a stone cup under ground in the compound of Kakarlapudi Venkataramaraju, in the village of Bhogapuram, in the Bimlipatam Taluk, Vizagapatam District.

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent before the Collector of Vizagapatam, at his office, at 11 A.M., on 5th April 1885, in order to the matter being enquired into and determined according to the provisions of the said Act.

H. G. TURNER,
Actg. Collector.

VIZAGAPATAM COLLECTOR'S OFFICE,
The 7th October 1884.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 16th October 1884.

Andrew, Hen. Wm.
Baxter, Arthur.
Bisnee, S. R.
Brown, Lieut. H. T.
Carver, F. H.
Colledge, L. D.
Criper, Wm. R.
Farr, W. B.
Harrington, B. R.
Heath, Robert.
Hendry, Hasell.
King, L. B. B.
Maurer, Emanuel George, Secretary, European Assurance Society.
Phillips, E. A.
Stack, Richard F.
Williams, Thomas.
Wilson, Rev. John.

Letters marked "Care of Post Office."

Alice, Mrs.
Andrews, J.
Bernard, Madame.
Bezbaron, G.
Boileau, Captain H.
Bott, Fred.
Brigg, E. A.
Brooks, L.
Caurey, Captain.
C. G.
Chapman, Frank.
Cooper, H.
Corfield, Lieut. C. J.
Dodd, Col. C. A.
E. S. H.
Evans, Peter.
Fredalis, Soni.
G, R.
Golding, Herbert.
Gill, F. N. G.
H M. W.
Handy, Major B. R. F.
Harman, J. M.
Harrison, Lieut. E. B.
Hoskins, A C.
Hurst, W. H.
Hutton, Mrs. H. L.
King, W.
Lampard, Henry.
Lawles, Hiram.
Lindberg, Mrs.
Livingston, Archibald.
Lopez, E.
Lynum, R.
Matson, E.
Mawson, J. R.
Metj; H.
"Merchant."
Merrick, Edward C.
Morris, Pierce M.
P. R O.
Piot, Monsieur.
Reed, Willoughby.
"Regina"
Robinson, Ellen.
Schomerully, Mr.
Selous, Edmund.
Seston, S.
"Stanhope."
Stobie, J. C.
Thomann, Harry.
Thompson, James.
Uren, Thomas.
Whymper, F.
Williams, Mostyn.
Wilson, Theos.
Wood, Major W.
X. T. Z.
X. Z. G.

Registered Letters.

Altman, J. F.
Bisnee, S. R.
Cherkes, Laya.
Ferefourd, Duglass.
Fernandes, Francis.
Mitchell; R.
Weiss, Samuel.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 13th October 1884.

Biehers, M. E.
Bose, Jogendra Nath.
Birjbose, Madame.
Chatterjee, Debendronath.
Harrington, B. R.
Hennessy, Mr.
Hocking, Sergeant.
Holmes, R.
Meyers, Mrs.
Shaw, Ockoy Coomar.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 18th October 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	18th Oct.	P. & O. Str. *Bokhara.*
Foreign Mails *vid* Bombay	21st "	From Bombay.*
Do. Book Post and Pattern Packets	20th "	From Bombay.
Zanzibar and Mozimbo	22nd "	Str. *Pamylia.*
Muscat, Bushire, Bussorah, Kurrachee, Kyrab, Kotak Pigeo, Sahdowa, and Rangoon	22nd "	Str. *Calcutta.*
Straits and Hong-Kong	21st "	Strs. *A. Apcar* and *Taitsang.*
Port Blair and Camorta	23rd "	Str. *Maharanee.*

* Also for Cape Colonies through United Kingdom; also *vid* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nassi Be and Reunion can be forwarded.

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

E. HUTTON,
Presidency Post Master.

Meteorological Publications for Sale.

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

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

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The Safe Use of Steam, in Bengali. *Price, 2 annas; postage, ½ anna.*

Distribution Return of Officers and Subor- dinates employed under District Road Cess Committees. Corrected up to 1st January 1884. *Price, 2 annas; postage, ½ anna.*

List of Officers of the Public Works De- partment, Bengal. Corrected up to 1st January 1884. *Price, 6 annas; postage, 1 anna 6 pies.*

The Quarterly Civil List. Corrected up to 1st July 1884. *Price, R3; postage, 4 annas.*

Reprint of the Report of the Rent Law Commission, with the draft of a Bill to consolidate and amend the law of Landlord and Tenant in Bengal. Vols. I and II. *Price, R3-8; packing and postage, 9 annas.*

Rules for the Guidance of Officers engaged in the Administration of the Salt Department. *Price, R1-4; packing and postage, 3 annas.*

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☞ *Printed slips containing alterations and additions will be available to purchasers monthly, at R2 per annum, including postage.*

Rules for the Lease of Waste Lands in Bengal. May 1880. Published by the authority of the Board of Revenue, Lower Provinces. *Price, 8 annas; packing and postage, 2 annas*

Rules for the Guidance of Officers in the Opium Department. *Published by authority of the Board of Revenue, Lower Provinces. Price, R3; postage, 2 annas.*

Bengali Translation of the Revised Salt Manual. *Price, 4 annas; postage, 6 pies.*

Civil Suits, 1880. Published by the authority of the Board of Revenue, Lower Provinces. *Price, 2 annas; packing and postage, 1 anna.*

Rules under the Cess Act, No. IX (B.C.) of 1880. *Price, R1-8; postage, 2 annas.*

The Bengal Pilots' Code of Signals, revised, enlarged, and arranged for use with three Geometrical Shapes in combination with the eighteen International Code Flags (on the plan of the Trinity Light-house Code), intended as a Supplement to the International Code of Signals. Also Calm or Line of Wind Signals; made with the above three shapes only. Concluding with the Morse Flashing Signals. Compiled by S. R. ELSON, Licensed Master Pilot, Bengal Pilot Service. Published by authority of the Government of Bengal. *Price, R3; postage, 2 annas and 6 pies.*

The Bengal Embankment Manual: containing an account of the action of the Government in dealing with Embankments and Water-courses since the Permanent Settlement; a discussion of the principles of the Act of 1873; a reprint of the Act itself, with notes and appendices describing the present condition of Embankments under State control in Bengal, and the chief controversies concerning them. By HENRY LELAND HARRISON, B.A., C.S., late Mathematical Junior Student of Christ Church, Oxford. *Price, R2; with map, R3-4.*

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Papers regarding the Tea Industry in Bengal. *Price, R3; postage, 3 annas.*

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. GAMBLE, M.A., Assistant Conservator of Forests, Bengal. *Price, R1-8; postage, 1 anna.*

Report on the Census of Calcutta and its Suburbs, 1881. *Price R4; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1882-83. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1881-82. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

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Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, R5; Colored Map, R3-8.*

Report on the Cultivation of, and Trade in, Ganja in Bengal. By HEM CHUNDER KERR, Deputy Collector, on special duty. *Price, R1-8; postage, 3 annas.*

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Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MACDONNELL, of the Bengal Civil Service. *Price, R3-8; postage, 6 annas*

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, R2; packing and postage, 3 annas.*

Report on the Census of Bengal, 1872. By H. BEVERLEY, Esq., C.S., Registrar-General of Bengal. *Price, R10; postage, 9 annas.*

Report on the Effects of Artificial Respi- ration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, R3; postage, 4 annas.*

Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, R2-4; packing and postage, 4 annas.*

A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. WESTLAND, Esq., C.S., late Magistrate and Collector of Jessore. *Price, R3; postage, 3 annas.*

The Bengal Administration Report for 1882-83. *Price, R6; packing and postage, 14 annas.*

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The Bengal Administration Report for 1872-73. *Price, R7-8; postage, 10 annas.*

Map of Bengal. 1873. *Price, if taken with the Report, R1: separately, price, R2; postage 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, R5; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, R1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

Vol.	I.	24-Pergunnahs and Sundarbans.
Vol.	II.	Nadiya and Jessore.
Vol.	III.	Midnapur, Hugli and Howrah.
Vol.	IV.	Bardwan, Bankura and Birbhum.
Vol.	V.	Dacca, Bakarganj, Faridpur and Maimansing.
Vol.	VI.	Chittagong Hill Tracts, Chittagong, Noakhali, Tipperah and Hill Tipperah.
Vol.	VII.	Maldah, Rangpur and Dinagepur.
Vol.	VIII.	Rajshahi and Bogra.
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Vol.	X.	Darjiling, Jalpaiguri and Kuch Behar State.
Vol.	XI.	Patna and Saran.
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Descriptive Ethnology of Bengal. By EDWARD TUITE DALTON, C.S.I., Colonel, Bengal Staff Corps: Commissioner of Chutia Nagpur; Member of the Asiatic Society of Bengal, &c. *Illustrated by Lithograph Portraits copied from Photographs.* Printed for the Government of Bengal, under the direction of the Council of the Asiatic Society of Bengal.

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Ditto ditto in Arabic. *Price, R1; packing and postage, 1 anna 6 pies.*

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Sanitary Primers in English and in Bengali. *Price, R6 per hundred, including transit and packing charges; single copies, 1 anna each.*

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

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Apply to Accountant, Bengal Secretariat, Writers' Buildings, Calcutta.

NOTICE.

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	R	a.	p.	
Entire Gazette . . .	15	0	0	per annum.
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E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 25, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

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Subscription for *Gazette* and Supplement per annum	15	0	0
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Subscription for Supplement only .	6	0	0
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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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

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

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

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

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

The following orders and genera have been appointed for the B.A. Examination in Zoology of 1885:—

Vertebrata.

Carnivora.

Invertebrata.

Merostomata.

Reptilia.

Crocodilia (Indian genera.)

Aves.

Peristeromorphæ (Indian genera.)

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 22nd October 1884.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 10th October 1884.

No. 26.—Assistant Surgeon Umesh Chandra Sen, of the Bengal Provincial Establishment, is dismissed the service, with effect from the 11th August 1884.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Simla, the 20th October 1884.

No. 7.—Mr. D. B. Cromartie, an Assistant Superintendent of the 1st Grade, is allowed furlough for fourteen months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 6th September 1884.

No. 8.—Mr. C. E. Horsley, an Assistant Superintendent of the 1st Grade, is allowed furlough on medical certificate for twenty-five days, in extension of the leave granted to him in Notification No. 4, dated 15th September 1884, under Section 52 of the Civil Leave Code, with effect from the forenoon of the 7th September 1884.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 10th October 1884.

No. 12.—With reference to Revenue and Agricultural Department Notification (Surveys) No. 573, dated 2nd October 1884, Lieutenant S. G. Burrard, R.E., reported his departure from the Biluchistan Agency on the forenoon of the 25th August 1884.

J. BROWNE, *Colonel, R.E.*,
Secy. to Agent to the Govr. Genl. for Biluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 18th October 1884.

No. 3231.—The undermentioned Hospital Assistant, who has passed his Septennial Professional Examination, is promoted to the next higher class, with effect from the date specified against his name :—

NAME.	DATE OF COMPLETION.		Date of passing the professional examination.	Date of promotion.
	14 years' service.	7 years' service.		
WITH ENGLISH QUALIFICATION.				
Kirpa Ram . .	...	Sept. 8, 1884	Sept. 8, 1884	Sept. 8, 1884

By Order,

D. ROBERTSON, *Captain*,
1st Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 20th October 1884.

No. 3258 *G.*—Lieutenant-Colonel P. W. Powlett, Resident, Western Rajputana States, availed himself, on the afternoon of the 24th of September 1884, of the privilege leave granted him in this Office Notification No. 2429 G., dated the 6th of August 1884, making over charge of his Office to Lieutenant-Colonel C. A. Baylay, Political Agent, Kotah.

No. 3261 *G.*—The privilege leave granted to Lieutenant-Colonel C. A. Baylay, Political Agent, Kotah, in this Office Notification No. 2772 G., dated the 5th of September 1884, is extended by three days.

Major H. B. Abbott, Political Agent, Jhallawar, held charge of the current duties of the Kotah Agency, in addition to his own, from the forenoon of the 29th of August to the afternoon of the 21st of September 1884, during Lieutenant-Colonel Baylay's absence.

No. 3263 *G.*—With reference to this Office Notification No. 3261 G., dated 20th October 1884, Major H. B. Abbott, Political Agent, Jhallawar, resumed charge of the current duties of the Office of the Political Agent, Kotah, in addition to his own, from Lieutenant-Colonel C. A. Baylay, on the forenoon of the 22nd of September 1884, consequent on the deputation of the latter officer to officiate as Resident, Western Rajputana States, *vice* Lieutenant-Colonel P. W. Powlett, proceeding on privilege leave.

No. 3265 *G.*—Major P. W. Smith, 2nd-in-Command, Merwara Battalion, returned to duty on the 30th September 1884, from the privilege leave granted him in this Office Notification No. 2439 G., dated 6th August 1884.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

AGENT TO THE GOVERNOR GENERAL AND CHIEF COMMISSIONER, RAJPUTANA, P. W. DEPT.

NOTIFICATION.

Mount Abu, the 18th October 1884.

No. 2552 *S.*—Under the Civil Leave Code (sixth edition), Appendix C I., Military Furlough Rules of 1868, Chapter I, XVIII, the Governor General's Agent and Chief Commissioner is pleased to grant to Lieutenant-Colonel H. Y. Murray, Superintending Engineer, 3rd Class, Temporary, and Officiating Secretary to the Agent, Governor General, and Chief Commissioner in the Public Works Department, Rajputana, twelve days' preparatory leave, with effect from forenoon of the 19th October 1884, to enable him to embark for Europe on the furlough on private affairs for two hundred and seventy-three days granted to him by the Government of India, in the Military Department, in Notification No. 405, dated 18th July 1884, and telegram dated 7th October 1884.

By Order,

WM. G. CUMMING, *Major, R.E.*,
Offg. Secy. to the Agent to the Govr. Genl., & Chief Commr., Rajputana, P. W. Dept.

CHIEF COMMISSIONER OF AJMERE-MERWARA, IN THE P. W. D.

NOTIFICATIONS.

Mount Abu, the 16th October 1884.

No. 2490 *S.*—Whereas land is required in the Ajmere District for a public purpose, *viz.*, for an extension of Ajmere Cantonments, this declaration is made in accordance with the provisions of Section 6 of Act X of 1870 :—

District.	Pargana.	Village.	AMOUNT REQUIRED. FOR OCCUPATION. Permanent.	Temporary.	TOTAL.	Purpose for which required.	REMARKS.
			A. R. P.	*A. R. P.*	*A. R. P.*		
			A. 56 2 13	...	56 2 13		
			B. 10 2 11	...	10 2 11		
			C. 8 0 0	...	8 0 0		
Ajmere .	Ajmere .	Ajmere	D. 11 1 17	...	11 1 17	For extension of Ajmere Cantonment.	The plans may be seen at the Office of Assistant Commissioner, Ajmere.
			G. Road ...	...	...		
			H. 60 0 9½	...	60 0 9½		
			I. 4 1 0	...	4 1 0		

This Notification is in supersession of the Chief Commissioner's Notification No. 500, dated the 20th July 1882, published at page 592, *Gazette of India*, Part II.

The 17th October 1884.

No. 2500 *S.*—The land designated below being required for safety of the Todgarh (Fort) Tehsil Building, this declaration is made accordingly :—

District.	Pargana.	Village.	AREA REQUIRED. Permanent.	Temporary.	TOTAL.	Purpose for which required.	REMARKS.
			Sqr. yds.	*Sqr. yds.*	*Sqr. yds.*		
Ajmere .	Todgarh .	Todgarh .	187	...	187	For the safety of the Todgarh (Fort) Tehsil Building.	The plan may be inspected at the Office of the Assistant Commissioner.

This declaration is made under Section 6 of Act X of 1870 (The Land Acquisition Act), and the Assistant Commissioner of Ajmere is hereby directed to take orders for the acquisition of the land specified above under Section 7 of that Act.

By Order,

H. Y. MURRAY, *Lieut.-Colonel*,
Offg. Secy. to the Chief Commr., Ajmere-Merwara, in the P. W. D.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th October 1884.

PARTICULARS.	3½ per cent. Transfer Loan of 1865-64.	4 per cent. Loans						5 per cent. Loan of 1866-67.	GRAND TOTAL.
		Of 1832-33.	Of 1836-38.	Of 1842-43.	Of 1854-55.	Transfer of 1866.	Reduced 4 per cent Loan of 1870.		
Balance of 30th September 1884	54,100	13,36,563	27,74,800	2,35,45,900	99,39,600	3,96,83,637	2,44,53,300	58,200	20,79,60,300
Add—									
Amount enfaced at Madras between 1st and 15th October 1884	...	...	1,100	14,500	6,000	14,900	11,400	...	79,900
Amount enfaced at Bombay between 1st and 15th October 1884	...	...	...	...	20,000	40,000	24,000	...	1,92,000
Amount enfaced at Calcutta between 1st and 15th October 1884	...	...	11,000	1,93,100	3,500	3,80,000	56,500	...	8,90,100
	54,100	13,36,563	27,86,900	2,37,53,500	1,09,19,100	3,01,44,537	2,44,86,700	58,200	20,89,22,300
Deduct—									
Amount written off in the London Registers	...	...	...	2,37,000	32,500	95,500	56,500	...	6,04,600
Balance on 15th October 1884	54,100	13,36,563	27,86,900	2,35,16,500	99,36,600	3,00,49,037	2,44,32,200	58,200	20,83,17,700

					TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TOTAL.
Balance of 30th September 1884	46,28,300	34,53,300	10,17,51,900	11,51,80,200	1,24,500	11,58,31,500
Add—						
Amount enfaced at Madras between 1st and 15th October 1884	...	18,000	14,000	32,000	...	32,000
Amount enfaced at Bombay between 1st and 15th October 1884	...	10,000	21,000	31,000	...	31,000
Amount enfaced at Calcutta between 1st and 15th October 1884	...	1,00,000	1,60,500	2,60,500	...	2,60,500
	46,28,300	95,81,300	10,19,50,400	11,61,53,700	1,24,500	11,62,78,200
Deduct—						
Amount written off in the London Registers	...	31,000	1,15,900	1,46,900	...	1,46,900
Balance on 15th October 1884	46,28,300	95,50,300	10,18,34,500	11,60,74,800	1,24,500	11,61,99,300

NOTE.—From 9th June 1867 to 15th August 1884, enfaced from India 5,019 lakhs; re-transferred from London 4,303 lakhs.

,, 16th Aug. 1884 to 31st Aug.	8	,,
,, 1st Sept. ,, to 15th Sept.	10	,,
,, 16th ,, ,, to 30th ,,	7	,,
,, 1st Oct. ,, to 15th ,,	10	,,
	5,054 lakhs.	
	4,328 ,,	
Balance against India	726 lakhs.	

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 21st October 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 21st October 1884.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,59,306	4	4
Public Deposits at Head Office (₹ 1,01,99,598 14 0) / Public Deposits at Branches (₹ 84,14,056 13 11)	1,86,13,655	11	11
Other Deposits at Head Office and Branches	2,64,02,870	8	1
Bank Post Bills, &c.	3,61,510	13	1
Sundries	13,16,506	13	7
RUPEES	7,08,53,850	3	0

ASSETS.	₹	a.	p.
Government Securities	71,10,890	0	0
Other authorized Investments	39,13,490	0	0
Loans on Government and other authorized Securities	83,55,892	14	0
Accounts of Credit on Government and other authorized Securities	75,46,591	15	2
Bills discounted and purchased	1,48,85,002	0	5
Balances with other Banks	8,70,268	3	6
Bullion	28,721	8	11
Dead Stock	11,83,543	4	7
Stamps	8,527	2	0
Sundries	6,29,201	3	2
	4,45,32,128	3	9
Cash and Currency Notes at Head Office (₹ 1,46,83,992 12 1) / Cash and Currency Notes at Branches (₹ 1,16,37,729 3 2)	2,63,21,721	15	3
RUPEES	7,08,53,850	3	0

BANK OF BENGAL,
Calcutta, 23rd October 1884.

J. GORDON,
Chief Accts. & Depy. Secretary.
Rate for Demand Loans 4 per cent.
Percentage 56·3.

By order of the Directors,
W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

Bangalore, the 18th October 1884.

No. 15.—The Chief Commissioner is pleased, under Section 138 of the Civil Leave Code, to grant one month's privilege leave of absence to Kongaudra Mudaya, Subedar of the Padinalknad Taluk, with effect from the 9th October 1884.

2. Kuttetti Chengappa, Parpatigar of Mercaranad, and Acting Subedar of the Yelsavirshme Taluk, is appointed to act as Subedar and 3rd Class Magistrate of the Padinalknad Taluk, during K. Mudaya's absence, or until further orders.

By Order,
H. WYLIE, *Major*,
Secretary to the Chief Commr. of Coorg.

EXAMINER OF STATE RAILWAY ACCOUNTS, MADRAS.

NOTICE.

Madras, the 8th October 1884.

The Office of the Examiner of Accounts, Bellary-Kistna and Cuddapah-Nellore State Railways, at present stationed at Madras, will be removed to Bellary, its permanent Head Quarters, from and after Monday, 3rd November 1884. All letters and telegrams which cannot reach Madras by Saturday, 1st November 1884, should be addressed to Bellary.

A. GRANT,
Offg. Examiner, State Ry. Accounts.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 15th October 1884.

No. 44.—Lieutenant J. A. Tanner, R.E., Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani on the 6th October 1884.

No. 45.—Lieutenant C. E. Norton, R.E., Assistant Engineer, 2nd Grade, is transferred from the head-quarters of the Inspector General, Military Works, to the Rawalpindi Command, Military Works.

J. J. McLEOD INNES, *Colonel, R.E.*,
Inspr. Genl. of Military Works.

DIRECTOR GENERAL OF RAILWAY S.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 13th October 1884.

No. 62.—Mr. G. P. Rose, Assistant Engineer, 1st Grade, is transferred from the Rewari-Ferozepore State Railway to the Sind-Peshin State Railway, Northern Section.

No. 63.—With reference to Public Works Department Notification No. 229, dated 24th September 1884, Mr. A. Sprenger, Executive Engineer, 2nd Grade, is posted to the Sind-Saugor Railway Surveys.

No. 64.—Mr. H. S. Harington, Executive Engineer, 4th Grade, sub. *pro tem.*, is, on return from furlough, posted to the Sind-Saugor Railway Surveys.

The 15th October 1884.

No. 65.—Mr. J. M. Rutherford, Class II of the State Railway Superior Revenue Establishment, Traffic Department, has been granted leave for seven days, in extension of that notified in Director General's Notification No. 31, dated 29th May 1884.

The 16th October 1884.

No. 66.—Messrs. E. H. Tuck and W. A. Johns, Assistant Engineers, 2nd Grade, are transferred from the Jhansi-Manikpur State Railway to the Sind-Pishin State Railway, Northern Section.

The 17th October 1884.

No. 67.—With reference to Public Works Department Notification No. 241, dated the 7th October 1884, the Honorable Mr. E. H. S. Napier, Assistant Engineer, 2nd Grade, is posted to the Sind-Sagar Railway Survey.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

Report of a Deserter from the 1st Battalion, Royal Welsh Fusiliers, dated at Dum-Dum, this 21st day of October 1884.

Number, Rank, and Name,—No. 2483, Private John Wilson.	At what Place Enlisted,—Thames Police Court, London.
Age,—25 years 9 months.	Parish and County in which Born,—Helligoland.
Size,—5 feet 6½ inches.	Marks,—Two scars left forearm, scar lower part of neck, eyebrows meet.
Colour of—Complexion, fresh; Hair, dark-brown; Eyes, brown.	Trade,—Porter.
Date of Desertion,—16th October 1884.	Coat or Jacket,— } Regimentals. Waistcoat,— . Breeches or Trowsers,— .
Place of Desertion,—Dum-Dum.	REMARKS,—
Date of Enlistment,—15th January 1884.	Under 5 years' service.

C. ELGEE, *Colonel,*
Comdg. 1st Battn., Royal Welsh Fusiliers.

Report of a Deserter from the 2nd Battalion, West Yorkshire Regiment of Foot, dated at Sialkot, this 19th day of October 1884.

Number, Rank, and Name,—No. $\frac{1\,0\,\text{Bde}}{2634}$ Private James Murray.	At what Place Enlisted,—Tullamore, King's County.
Age,—23 years.	Parish and County in which Born,—Clune—Leitrim.
Size,—5 feet 6½ inches.	Marks,—
Colour of—Complexion, fresh; Hair, brown; Eyes, grey.	Trade,—Baker.
Date of Desertion,—25th September 1884.	Coat or Jacket,—White Summer Clothing.
Place of Desertion,—Sialkot.	Waistcoat,—
Date of Enlistment,—22nd September 1880.	Breeches or Trowsers,—White Summer Clothing.
	REMARKS,—Both eyes cast inwards.
	Under 5 years' service.

E. W. SAUNDERS, *Colonel,*
Comdg. 2nd Battn., W. Yorkshire Regt.

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

DATE.	SILVER TENDERED. ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Oct. 13	. . .	. . .	1,08,564	8,32,745	1,28,08,101	1,10,28,489
,, 14	. . .	. . .	3,00,170	5,50,262	1,31,75,684	1,13,35,999
,, 15	. . .	. . .	1,50,945	4,07,871	1,33,20,866	1,14,89,281
,, 16	. . .	. . .	2,95,219	1,29,649	1,36,33,624	1,17,90,834
,, 17	. . .	. . .	1,35,701	802	1,37,72,237	1,19,20,417
,, 18	Holiday.					

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 20th October 1884.

CURRENCY NOTES.

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

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
11	D 20—40299	100	Lala Kamta Prasad, Faizabad.

ALLAHABAD,
The 22nd October 1884.

A. H. ANTHONY,
Assistant Accountant General, in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
174	R 10—12366	100	Mr. Jas. Lackersteen, 1, Tottie's Lane, Calcutta.
	O 97—30623	100	

CALCUTTA.
The th October 1884

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		₹	
28	B 78—71936	50	H. M. Abdul Kareem Sahib, Madras.

FORT ST. GEORGE.
The 13th October 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl., In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 23rd October 1884.

Baxter, Arthur.
Colledge, L. D.
Criper, Wm. R.
Culloden, Mrs. H. A.
Davency, W.
Grant, Mrs. H. N. P.
Hardless, Charles R.
Harrington, B. R.
Hawk, C. W.
Heath, Robert.
Hendry, Hasell.
King, L. B. B.
Mäurer, Emanuel
Secretary, European Assurance Society.
Phillips, E. A.
George, Warke, Leslie.
Weir, W.
Whitley, J. E.
Wilson, Rev. John.
Scale, H.
Simeon, C.
Stack, Richard F.
Suldanha, Frank.

Letters marked "Care of Post Office."

Adda, Henry.
Alice, Mrs.
Bernard, Madame.
Bezbaron, G.
Boileau, Captain H.
Bott, Fred.
Brigg, E. A.
Brooks, L.
Caurey, Captain.
C. G.
Chapman, Frank.
Cooper, H.
Dodd, Col. C. A.
E. S. H.
Evans, F. Bowle.
Evans, Peter.
Fredalis, Soni.
Golding, Herbert.
Gill, F. N. G.
H. M. W.
Handy, Major B. R. F.
Harman, J. M.
Harrison, Lieut. E. B.
Hoskins, A. C.
Hurst, W. H.
King, W.
Lampard, Henry.
Lawless, Hiram.
Lindberg, Mrs.
Livingston, Archibald.
Lopez, E.
Lynum, R.
Matson, E.
Mawson, J. R.
Meij, H.
"Merchant."
Merrick, Edward C.
Morris, Pierce M.
Murgatroyd, C. A.
P. R O.
Piot, Monsieur.
Reed, Willoughby.
"Regina."
Robinson, Ellen.
Schomerulty, Mr.
Selous, Edmund.
Sestan, S.
"Stanhope."
Stobie, J. C.
Thompson, James.
Tozer, H. S.
Ueen, Thomas.
Webb, Mrs. C. J.
Whymper. F.
Wilson, Theos.
X. T. Z.
X. Z. G.

Registered Letters.

Altman, J. F.
Blanee, S. R.
Cherkes, Laya.
Ferefourd, Duglass.
Wrent, Jos. B.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 20th October 1884.

Bickers, M. E.
Bose, Jogendra Nath.
Brensley, Dr. C. E. W.
Hennessy, Mr.
Hocking, Sergeant.
Hughers, Rev. J.
Lunrd, Col. F. P.
MacDonald, D.
Mayo, Dr.
Muir, Surgeon-Major H. S.
Paul, Jadu Nath.
Power, T.
Russell, Dr. D. M.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 25th October 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	1st Nov.	P. & O. Str. *Revenna.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	28th Oct.	From Bombay.
Foreign Mails *vid* Bombay	28th ,,	From Bombay.*
Do. Book Post and Pattern Packets	27th ,,	Ditto.
Rangoon and Moulmein	29th ,,	Str. *Khandalla.*†
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	29th ,,	Strs. *Mahratta.*

* Also for Cape Colonies through United Kingdom can be forwarded.
† Also for Port Blair can be sent by this opportunity.
N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON,
Presidency Post Master.

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

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Meteorological Reporter to the Government of India.

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NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

	R	a.	p.
Subscription for *Gazette* and Supplement per annum	15	0	0
Postage	5	8	0
Subscription for Supplement only .	6	0	0
Postage	3	0	0
For a single copy of the *Gazette* .	0	8	0
For a single copy of the Supplement .	0	4	0

Postage on single copies varies according to weight.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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

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

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

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

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 9th October 1884.

No. 472.—Brevet Colonel W. M. Campbell, R.E., Deputy Superintendent, 2nd Grade, Survey of India, having been granted extension of leave under Bombay Government General Order No. 390, dated 12th August 1884, the following temporary promotions are made, with effect from the 24th September 1884, the date on which his period of duty expired:—

Major J. E. Sandeman, S.C., Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Major J. R. Wilmer, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant the Hon'ble M. G. Talbot, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

The 10th October 1884.

No. 474.—Major A. W. Baird, R.E., Deputy Superintendent, 4th Grade, having returned to duty on the forenoon of the 1st October 1884, is appointed to officiate as Deputy Superintendent, 3rd Grade, with effect from the same date.

The following reversions will have effect from the same date:—

Major J. R. Wilmer, S.C., Officiating Deputy Superintendent, 3rd Grade, to revert to his substantive post of Deputy Superintendent, 4th Grade.

Lieutenant the Hon'ble M. G. Talbot, R.E., Officiating Deputy Superintendent, 4th Grade, to revert to his substantive post of Assistant Superintendent, 1st Grade.

The 20th October 1884.

No. 475.—With reference to the Notification of the Government of India in the Revenue and

Agricultural Department, No. 605—41-11 S, dated 16th instant, confirming Brevet Lieutenant-Colonel H. R. Thuillier, R.E., as Deputy Surveyor General in charge of Revenue Surveys from 1st October 1884 *vice* Mr. J. B. N. Hennessey, M.A., retired, the following promotions are made with effect from the same date :—

Brevet Colonel B. R. Branfill, S.C., is promoted to the 1st grade of Deputy Superintendents.

Brevet Colonel H. C. B. Tanner, S.C., Officiating Deputy Superintendent, 2nd Grade, is confirmed in that grade.

Major J. Hill, R.E., Officiating Deputy Superintendent, 3rd Grade, is confirmed in that grade.

Mr. E. C. Barrett, Officiating Deputy Superintendent, 4th Grade, is confirmed in that grade.

Mr. W. H. Patterson, Officiating Assistant Superintendent, 1st Grade, is confirmed in that grade.

No. 476.—With reference to Notification No. 606—41-11 S, dated 16th instant, of the Government of India in the Revenue and Agricultural Department, appointing Brevet Colonel C. T. Haig, R.E., Deputy Superintendent, 1st Grade, to officiate as Deputy Surveyor General in charge Trigonometrical Surveys, the following temporary promotions are made, with effect from the forenoon of the 1st October 1884, the date on which Mr. J. B. N. Hennessey made over charge of his office :—

Lieutenant-Colonel F. Coddington, S.C., Deputy Superintendent, 2nd Grade, to officiate as Deputy Superintendent, 1st Grade.

Lieutenant-Colonel W. F. Badgley, S.C., Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Major J. R. Wilmer, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant the Hon'ble M. G. Talbot, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

The 27th October 1884.

No. 477.—The following appointment and promotions are made, with effect from the 1st September 1884 :—

Mr. W. Stotesbury, Surveyor, 4th Grade, to be a Draftsman in the Additional Establishment attached to the Survey of India Offices, Calcutta.

Mr. T. H. Dunne, Officiating Surveyor, 4th Grade, is confirmed in that grade.

Mr. J. Newland, Assistant Surveyor, 1st Grade, to officiate as Surveyor, 4th Grade.

Mr. R. R. Dickinson, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. J. C. Kelly, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

G. C. DEPRÉE, *Colonel*,
Surveyor General of India.

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

The following orders and genera have been appointed for the B.A. Examination in Zoology of 1885 :—

Vertebrata.

Carnivora.

Invertebrata.

Merostomata.

Reptilia.

Crocodilia (Indian genera.)

Aves.

Peristeromorphæ (Indian genera.)

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 22nd October 1884.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 22nd October 1884.

No. 9.—Mr. G. Moberly, a Superintendent of the 3rd Grade, is allowed furlough for seventeen months and thirteen days, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 4th October 1884.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 24th October 1884.

No. 3299.—Second Class Hospital Assistant Mela Ram, on the Reserve List of Hospital Assistants in Central India at Indore, transferred to the Punjab, was relieved of his duties on the forenoon of the 9th October 1884.

By Order,

M. J. MEADE, *Lieut.*,
for 1st Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 22nd October 1884.

No. 3281 *G.*—First Class Hospital Assistant Eradut Oollah has been placed in charge of the duties of the Agency Surgeon at Jhallawar, in addition to his own, from the afternoon of the 5th September 1884.

No. 3282 *G.*—First Class Hospital Assistant Kunnea Lal has been placed in charge of the duties of the Agency Surgeon at Kotah, in addition to his own, from the afternoon of the 5th September 1884.

The 27th October 1884.

No. 3368 *G.*—Surgeon-Major T. ffrench Mullen, M.D., Agency Surgeon, Ulwar, is granted privilege leave from the afternoon of the 4th September to the afternoon of the 4th October 1884.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

AGENT TO THE GOVERNOR GENERAL AND CHIEF COMMISSIONER, RAJPUTANA, P. W. DEPT.

NOTIFICATION.

Mount Abu, the 22nd October 1884.

No. 2585 *S.*—Mr. A. E. Lowrie, Assistant Conservator of Forests, Ajmere-Merwara, has passed the Departmental Examination in the elements of Law and the Land Revenue System, as prescribed in Clauses 3 and 7, paragraph 51 of the Forest Department Code.

By Order,

WM. G. CUMMING, *Major, R.E.*,
Offg. Secy. to the Agent to the Govr. Genl., & Chief Commr., Rajputana, P. W. Dept.

Report of a Deserter from the 9th Battery, 1st Brigade, Eastern Division, Royal Artillery, dated at Fort Delhi, this 22nd day of October 1884.

Number, Rank, and Name,—No. R.A.—21255, Gunner John Rose.
Age,—29 years 1 month.
Size,—5 feet 9 inches.
Colour of—
Complexion, fresh ; Hair, dark brown ; Eyes, hazel.
Date of Desertion,—16th October 1884.
Place of Desertion,—Fort Delhi, Bengal.
Date of Enlistment,—25th May 1880.
At what Place Enlisted,—Peterborough.
Parish and County in which Born,—Peterborough, Northampton.
Marks,—On right arm, sailor, bracelet, crown, and cross flags ; on chest, full-rigged ship, light-house, and two stars. Sailor on calf of right leg, tiger and dog's head on calf of left leg.
Trade,—Sailor.
Coat or Jacket,—Blue serge, Norfolk jacket.
Head Dress,—Forage cap.
Breeches or Trowsers,—Cloth trowsers.
REMARKS,—
Under 5 years' service.

H. T. T. SANDES, *Major, R.A.*,
Comdg. 9th Batty., 1st Brig., Eastern Divn., R.A.

EXAMINER OF STATE RAILWAY ACCOUNTS, MADRAS.

NOTICE.

Madras, the 8th October 1884.

The Office of the Examiner of Accounts, Bellary-Kistna and Cuddapah-Nellore State Railways, at present stationed at Madras, will be removed to Bellary, its permanent Head Quarters, from and after Monday, 3rd November 1884. All letters and telegrams which cannot reach Madras by Saturday, 1st November 1884, should be addressed to Bellary.

A. GRANT,
Offg. Examiner, State Ry. Accounts.

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

Days.	Silver tendered, estimated value.	Certificates issued on		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Oct. 20	4,78,243	. . .	32	4,79,010	1,37,72,369	1,19,29,479
,, 21	. . .	. . .	808	4,78,248	1,37,73,095	1,19,30,305
,, 22	. . .	. . .	6	4,78,243	1,37,73,422	1,19,30,311
,, 23	. . .	. . .	. . .	4,78,243	1,37,73,422	1,19,30,311
,, 24	. . .	. . .	2,47,330	2,45,825	1,40,29,040	1,21,82,948
,, 25	. . .	. . .	2,59,903	815	1,42,94,519	1,24,48,427

R. V. RIDDELL, *Major, R.E.*,
Mint Master.

CALCUTTA MINT,
The 27th October 1884.

CURRENCY NOTES.

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

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		₹	
177	. P 39—54022 .	50	Tarachand Sarkar, Seorapully.
178	. R 10—00219 .	100	Dwarkanath Kundu, Manikgunge, Zilla Dacca.
179	. P 77—85245 .	100	Bissendyal Hurdyal, 59, Cotton Street, Calcutta.

CALCUTTA,
The 31st October 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		₹	
29	. B 79—79848 .	100	P. Sankara Menon, Ponnani, Malabar.

FORT ST. GEORGE,
The 20th October 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl., In charge of Paper Currency Dept.

MAPS OF THE SURVEY OF INDIA DEPARTMENT.

Published at the Survey of India Offices, Calcutta and Dehra Dún, for the quarter ending 30th June 1884.

Agents:

Calcutta.—No Agent.
Allahabad.—Curator, Government Books, North-Western Provinces.
Nagpur.—Curator, Government Books, Central Provinces.
Lahore.—Curator, Government Central Book Depôt.
Madras.—* Messrs. Higginbotham & Co. (for sales only).
Poona.—Superintendent, Government Photo-zincographic Department.
Rangoon.—Curator, Government Book Depôt.
Rajkot.—Mr. Narainjee Sunderjee, for maps of Kattywar only.
Ahmedabad.—The Huzoor Deputy Collector for maps of Guzerat only.
London.—*Messrs. Allen & Co., Waterloo Place (for sales only.)
Do. *Mr. Edward Stanford, 6 Charing Cross (for sales only).
Simla.—* Messrs. Williams & Co., Ripon House (for sales only).

All published maps are sold at the Survey of India Office, Calcutta, for cash prepaid.

* These Agents cannot issue maps free of charge on the *Public Service*.

N.B.—Maps are issued *free of charge* only on the Public Service. The *cost of mounting maps, packing, and postage of parcels, must be borne by applicants themselves.* Lists of all newly published maps are periodically notified in the Gazettes of India and of local Governments.

Description.	Scale.	Size.	Price of Map unmounted per sheet or copy. Uncolored. ₹	a.	Colored. ₹	a.
GENERAL MAPS.						
Railway Map of India, corrected up to 1st January 1884, in six Sheets	1″=32 M.	40″×27″ each sheet.	8	0	10	0
DISTRICT MAPS.						
District Midnapore. Published May 1884	1″= 4 M.	34″×23″ each sheet.	1	0	1	4
District Dera Ismail Khan. Published May 1884	1″= 4 M.	40″×27″ each sheet.	2	0	2	8
District Luckimpore, Assam. Published April 1884	1″= 4 M.	40″×27″	1	0	1	4
District Furreedpore. Published January 1883	1″= 4 M.	29″×26″	1	0	1	4
ATLAS SHEETS.						
Indian Atlas, Sheet No. 43	1″= 4 M.	40″×27″	2	0	2	0
Indian Atlas, Sheet No. 62	1″= 4 M.	40″×27″	2	0	2	0
STANDARD SHEETS.						
ASSAM.						
Khasia, Garo and Naga Hills Topographical Survey. Sheet No. 107, Fourth edition. Published April 1884	1″= 2 M.	28″×25″	0	8	0	10
BENGAL.						
Hooghly River Survey, Sheet No. 7, Sections E. to N.	16″= 1 M.	40″×25″ each sheet.	1	0	1	4
BURMA.						
British Burma Survey, Sheet No. 114 (N.E., S.E.,) District Hanthawaddy. Published May 1884	2″= 1 M.	40″×25″ each sheet.	1	0	1	4
British Burma Survey, Sheet No. 125 (N.E., N.W., and S.W.), District Pegu. Published May 1884.	2″= 1 M.	40″×25″	1	0	1	4
BOMBAY.						
Khandesh and Bombay Native States Topographical Survey, Sheet No. 41. Parts of Khandesh and Nizam's Dominions. Published May 1884	1″= 1 M.	40″×25″	1	0	1	4
Khandesh and Bombay Native States Topographical Survey, Sheet No. 42. Parts of Khandesh and Nizam's Dominions. Published May 1884	1″= 1 M.	40″×25″	1	0	1	4
CENTRAL INDIA AND RAJPUTANA.						
Central India and Rajputana Topographical Survey, Half Degree Sheet No. XVIII North. Part of Bicaneer. Published May 1884	1″= 2 M.	40″×25″	1	0	1	4
Central India and Rajputana Topographical Survey, Half Degree Sheet No. XVIII South. Parts of Bicaneer and Jeyselmere. Published May 1884	1″= 2 M.	40″×25″	1	0	1	4
PUNJAB.						
Punjab Survey, Sheet No. 34, District Dera Ismail Khan. Published March 1884	1″= 1 M.	40″×27″	1	8	1	12
Punjab Survey, Sheet No. 37, District Dera Ismail Khan, and Mozuffargarh. Published May 1884	1″= 1 M.	40″×27″	1	8	1	12
Punjab Survey, Sheet No. 38, District Dera Ismail Khan. Published March 1884	1″= 1 M.	40″×27″	1	8	1	12
Punjab Survey, Sheet No. 40, Districts Dera Ismail Khan and Mozuffargarh. Published May 1884	1″= 1 M.	40″×27″	1	8	1	12

MAPS OF THE SURVEY OF INDIA DEPARTMENT—*continued.*

Description.	Scale.	Size.	Price of Map unmounted per sheet or copy. Uncolored. ₹	a.	Colored. ₹	a.
STANDARD SHEETS—*contd.* PUNJAB—*contd.*						
Punjab Survey, Sheet No. 41, Districts Dera Ismail Khan and Mozuffargarh. Published March 1884	1″= 1 M.	40″×27″	1	8	1	12
Punjab Survey, Sheet No. 42 A, District Mozuffargarh. Published March 1884	1″= 1 M.	40″×27″	1	8	1	12
Punjab Survey, Sheet No. 42 B, District Mozuffargarh. Published April 1884	1″= 1 M.	40″×27″	1	8	1	12
MYSORE.						
Mysore Topographical Survey, Sheet No. 1. Part of Shimoga District. Published April 1884	1″= 1 M.	40″×25″	1	0	1	4
Mysore Topographical Survey, Sheet No. 2. Part of Shimoga District. Published April 1884	1″= 1 M.	40″×25″	1	0	1	4
Mysore Topographical Survey, Sheet No. 4. Part of Shimoga District Published May 1884	1″= 1 M.	40″×25″	1	0	1	4
Mysore Topographical Survey, Sheet No. 5. Part of Shimoga District. Published May 1884	1″= 1 M.	40″×25″	1	0	1	4
Mysore Topographical Survey, Sheet No. 6. Part of Shimoga District. Published May 1884	1″= 1 M.	40″×25″	1	0	1	4
Mysore Topographical Survey, Sheet No. 7. Part of Shimoga District. Published May 1884	1″= 1 M.	40″×25″	1	0	1	4
Mysore Topographical Survey, Sheet No. 8. Part of Shimoga District. Published May 1884	1″= 1 M.	40″×25″	1	0	1	4
Mysore Topographical Survey, Sheet No. 9. Parts of Shimoga and Thumkur Districts. Published May 1884	1″= 1 M.	40″×25″	1	0	1	4
Mysore Topographical Survey, Sheet No. 12. Part of Thumkur District. Published May 1884	1″= 1 M.	40″×27″	1	0	1	4
Mysore Topographical Survey, Sheet No. 13. Part of Thumkur District. Published May 1884	1″= 1 M.	40″×25″	1	0	1	4
Mysore Topographical Survey, Sheet No. 55. Parts of Bangalore and Mysore Districts. Published May 1884	1″= 1 M.	40″×25″	1	0	1	4

W. H. WILKINS, *Lieut.-Colonel, S. C.,*
In charge of the Map Record and Issue Office.

SURVEY OF INDIA DEPARTMENT,
Calcutta, the 1st July 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 25th October 1884.

LIABILITIES.	₹	a.	p.	₹	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,306	4	4
Public Deposits at Head Office	1,03,69,689	15	0	1,91,24,813	7	6
Public Deposits at Branches	87,55,123	8	6			
Other Deposits at Head Office and Branches				2,61,01,431	8	3
Bank Post Bills. &c.				3,26,942	15	3
Sundries				13,48,792	7	1
RUPEES				7,10,61,286	10	5

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				70,49,180	0	0
Other authorized Investments				38,94,890	0	0
Loans on Government and other authorized Securities				82,44,540	15	5
Accounts of Credit on Government and other authorized Securities				76,74,703	15	9
Bills discounted and purchased				1,44,59,150	11	8
Balances with other Banks				8,26,442	12	6
Bullion				28,721	8	11
Dead Stock				11,86,701	6	7
Stamps				8,395	6	0
Sundries				6,29,222	1	2
				4,40,01,948	14	0
Cash and Currency Notes at Head Office	1,56,06,651	15	0	2,70,59,337	12	5
Cash and Currency Notes at Branches	1,14,52,685	13	5			
RUPEES				7,10,61,286	10	5

BANK OF BENGAL,
Calcutta, 30th October 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.
Rate for Demand Loans 4 per cent.
Percentage 57·6.

By order of the Directors,
W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

POST OFFICE.

NOTIFICATIONS.

Simla, the 23rd October 1884.

No. 8910.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

POSTAL CIRCLE, MADRAS.

Mr. G. W. Cresswell is promoted to the 1st Grade of Superintendents.

Mr. H. Wooster is promoted to the 2nd Grade of Superintendents.

Mr. A. J. Faichnie is appointed to be a Superintendent of the 4th Grade and posted to the Madras Postal Circle.

P. SHERIDAN,
for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 30th October 1884.

Colledge, L. D.	Hardless, Charles R.	St. Leger, H. B.
Culloden, Mrs. H. A.	Harrington, B. R.	Stoakel, H.
Daveney, W.	Hawk, C. W.	Street & Co.
Dick, A. R.	King, L. B. B.	Suldanha, Frank.
Elliott, W. H.	Norville, H.	Walker, F. P.
Gibson & Co.	Power, J. B. (c.s.)	Whitley, J. E.
Grant, Mrs. H. N. P.	Stack, Richard F.	

Letters marked "Care of Post Office."

Adda, Henry.	Harcourt, W. H.	Reed, Willoughby.
Alice, Mrs.	Harman, J. M.	"Regina."
Artin, Mrs.	Harrison, Lieut. E. B.	"Rex."
Boileau, Captain H.	Hoskins, A. C.	Robinson, Ellen.
Bott, Fred.	Hurst, W. H.	Schomerully, Mr.
Brigg, E. A.	King, W.	Selous, Edmund.
Caurey, Captain.	Lampard, Henry.	Sestan, S.
C. G.	Lawless, Hiram.	"Stanhope."
Chapman, Frank.	Livingston, Archibald.	Stobie, J. C.
Cooper, H.	Lopez, E.	Thompson, James.
Crowley, Mrs.	Macdonald, Mrs. J.	Uren, Thomas.
Dodd, Col. C. A.	Meij, H.	Wallace, Col. W. A. J.
E. S. H.	"Merchant."	Webb, Mrs. C. J.
Fredalis, Soni.	Morris, Pierce M.	Wilson, Theos.
Golding, Herbert.	Murgatroyd, C. A.	X. T. Z.
Gill, F. N. G.	Phelon, A.	X. Z. G.
H. M. W.	P. R. O.	

Registered Letters.

Bisnee, S. R.	Cherkes, Laya.	Thiband, Thomy.
Cabitt, W.	Ferefourd, Duglass.	Wrent, Jos. B.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 20th October 1884.

Bickers, M. E.	Honiff.	Maddocks, P. T.
Bose, Jogendra Nath.	Hughers, Rev. J.	Mayo, Dr.
Brensley, Dr. C. E. W.	Lavalette, Mrs. T. W.	Mukerjee, SurendroNath.
Campbell, Major C. W.	Love, C. E.	Muir, Surgeon-Major H. S.
Hetim, Tai.	Luard, Col. F. P.	Power, T.
Hill, Mrs. C. R.	MacDonald, D.	

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 1st November 1884.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during the month of November 1884:—

DATE OF CLOSING.	ROUTE.
1st November 1884	By P. & O. Steamer from Calcutta.
7th November 1884	By French Steamer.
7th November 1884*	By B. I. S. N. Co.'s private vessel.
11th November 1884	By P. & O. Steamer from Bombay.
16th November 1884	By P. & O. Steamer from Calcutta.
21st November 1884*	By B. I. S. N. Co.'s private vessel.
21st November 1884*	By Star Line private vessel.
25th November 1884	By P. & O. Steamer from Bombay.

* These dates are subject to alteration in the event of departure of the vessel being delayed.

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

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (prepayment compulsory).

The postage on letters conveyed by the P. & O. and French steamers is three (3) annas per ½ oz. (prepayment optional).

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	1st Nov.	P. & O. Str. *Severna.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	11th ,,	From Bombay.
Foreign Mails *viâ* Bombay	4th ,,	From Bombay.*
Do. Book Post and Pattern Packets	3rd ,,	Ditto.
Rangoon and Moulmein	5th ,,	Str. *Africa.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	5th ,,	Str. *Coconada.*
Madras, Ceylon, Batavia, Singapore, and China	7th ,,	French Str. *Tibre.*

* Also for Cape Colonies through United Kingdom; also *viâ* Aden from anzibar, Lamoo, Mombaza, Kilwakivinjee, Lindi, Mozambique, Delagoa Bay, and Cape Colonies can be forwarded.

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

E. HUTTON,
Presidency Post Master.

Meteorological Publications for Sale.

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

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables. 3 charts	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts	8	0	0
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Civil Suits, 1880. Published by the authority of the Board of Revenue, Lower Provinces. *Price, 2 annas; packing and postage, 1 anna.*

Rules under the Cess Act, No. IX (B.C.) of 1880. *Price, R1-8; postage, 2 annas.*

The Bengal Pilots' Code of Signals, revised, enlarged, and arranged for use with three Geometrical Shapes in combination with the eighteen International Code Flags (on the plan of the Trinity Light-house Code), intended as a Supplement to the International Code of Signals. Also Calm or Line of Wind Signals; made with the above three shapes only. Concluding with the Morse Flashing Signals. Compiled by S. R. ELSON, Licensed Master Pilot, Bengal Pilot Service. Published by authority of the Government of Bengal. *Price, R3; postage, 2 annas and 6 pies.*

The Bengal Embankment Manual: containing an account of the action of the Government in dealing with Embankments and Water-courses since the Permanent Settlement; a discussion of the principles of the Act of 1873; a reprint of the Act itself, with notes and appendices describing the present condition of Embankments under State control in Bengal, and the chief controversies concerning them. By HENRY LELAND HARRISON, B.A., C.S., late Mathematical Junior Student of Christ Church, Oxford. *Price, R2; with map, R3-4.*

The Factories' Act, XV of 1881, with Rules and Forms. *Price, 2 annas and 6 pies; packing and postage, ½ anna.*

Bengali Translations of the Rules and Notifications under the Arms Act issued by the Governments of India and Bengal. *Price, 2 annas; packing and postage, 1 anna.*

Hindi Translation of the Rules and Notifications under the Indian Arms Act, 1878. *Price, As. 2; packing and postage, 1 anna.*

Urya ditto ditto. *Price, As. 2; packing and postage, 1 anna.*

Urdu ditto ditto. *Price, As. 2; packing and postage, 1 anna.*

Rules under the Inland Emigration Act, I of 1882. *Price, 8 annas; packing and postage, 3 annas.*

Annual Report on Inland Emigration for 1880-81. *Price, R1 per copy; packing and postage, 3 annas.*

Ditto ditto ditto for 1882. *Price, R1 per copy; packing and postage, 3 annas.*

Papers regarding the Tea Industry in Bengal. *Price, R3; postage, 3 annas.*

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. By J. S. GAMBLE, M.A., Assistant Conservator of Forests, Bengal. *Price, R1-8; postage, 1 anna.*

Report on the Census of Calcutta and its Suburbs, 1881. *Price R4; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1882-83. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1881-82. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1879-80. Published by the Government of Bengal. *Price, R6; postage, 8 annas.*

Report on the Internal Trade of Bengal for the year 1878-79. Published by the Government of Bengal. *Price, R6; postage, 6 annas.*

Report on the Internal Trade of Bengal for the year 1877-78. Published by the Government of Bengal. *Price, R3-8; postage, 4 annas.*

Report on the Internal Trade of Bengal for the year 1876-77. Published by the Government of Bengal. *Price, R5; Colored Map, R2-8.*

Report on the Cultivation of, and Trade in, Ganja in Bengal. By HEM CHUNDER KERR, Deputy Collector, on special duty. *Price, R1-8; postage, 2 annas.*

Report on the Cultivation of, and Trade in, Jute in Bengal, and on Indian Fibres available for the Manufacture of Paper; with Map. By HEM CHUNDER KERR, Deputy Magistrate, on special duty. *Price, R3; postage, 7 annas.*

Report on the Food-grain Supply and Statistical Review of the Relief Operations in the distressed districts of Behar and Bengal during the Famine of 1873-74. By A. P. MACDONNELL, of the Bengal Civil Service. *Price, R3-8; postage, 6 annas.*

Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, R3; packing and postage, 3 annas.*

Report on the Census of Bengal, 1872. By H. BEVERLEY, Esq., C.S., Registrar-General of Bengal. *Price, R10; postage, 9 annas.*

Report on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, R3; postage, 4 annas.*

Memorandum on the Revenue History of Chittagong. By H. J. S. COTTON, Esq., Collector and Magistrate of Chittagong. *Price, R2-4; packing and postage, 4 annas.*

A Report on the District of Jessore: its Antiquities, its History and its Commerce. (Second Edition, Revised and Corrected.) By J. WESTLAND, Esq., C.S., late Magistrate and Collector of Jessore. *Price, R3; postage, 3 annas.*

The Bengal Administration Report for 1882-83. *Price, R6; packing and postage, 12 annas.*

The Bengal Administration Report for 1881-82. *Price, R6; packing and postage, 10 annas.*

The Bengal Administration Report for 1879-80. *Price, R6; packing and postage, 10 annas.*

The Bengal Administration Report for 1878-79. *Price, R6; packing and postage, 8 annas.*

The Bengal Administration Report for 1877-78. *Price, R4-8; postage, 8 annas.*

The Bengal Administration Report for 1876-77. *Price, R4-8; postage, 6 annas.*

The Bengal Administration Report for 1875-76. *Price, R4-8; postage, 7 annas.*

The Bengal Administration Report for 1874-75. *Price, R4-8; postage, 7 annas.*

Map of Bengal, 1874-75. *Price, if taken with the Report, R1; separately, price, R2; postage, 3 annas.*

The Bengal Administration Report for 1873-74. *Price, R4; postage, 5 annas.*

The Bengal Administration Report for 1872-73. *Price, R7-8; postage, 10 annas.*

Map of Bengal, 1873. *Price, if taken with the Report, R1; separately, price, R2; postage 2 annas.*

Report of the Vizagapatam and Backergunge Cyclones of October 1876. By J. ELIOT, Esq., M.A., Meteorological Reporter to the Government of Bengal. *Price, R3; postage, 4 annas.*

The Winds of Northern India. By H. F. BLANFORD, Esq., Meteorological Reporter to Government. *Price, R1 per copy; postage, 2 annas.*

A Statistical Account of Bengal. By W. W. HUNTER, B.A., LL.D., Director-General of Statistics to the Government of India.

Vol.	I.	24-Pergunnahs and Sundarbans.
Vol.	II.	Nadiya and Jessore.
Vol.	III.	Midnapur, Hugli and Howrah.
Vol.	IV.	Bardwan, Bankura and Birbhum.
Vol.	V.	Dacca, Bakarganj, Faridpur and Maimunsing.
Vol.	VI.	Chittagong Hill Tracts, Chittagong, Noakhali, Tipperah and Hill Tipperah.
Vol.	VII.	Maldah, Rangpur and Dinagepur.
Vol.	VIII.	Rajshahi and Bogra.
Vol.	IX.	Murshidabad and Pabna.
Vol.	X.	Darjiling, Jalpaiguri and Kuch Behar State.
Vol.	XI.	Patna and Saran.
Vol.	XII.	Gaya and Shahabad.
Vol.	XIII.	Tirhut and Champaran.
Vol.	XIV.	Bhagalpur and Santal Parganas.
Vol.	XV.	Monghyr and Purniah.
Vol.	XVI.	Hazaribagh and Lohardaga.
Vol.	XVII.	Singbhum, Tributary States and Manbhum.
Vol.	XVIII.	Cuttack and Balasor.
Vol.	XIX.	Puri and Tributary States of Orissa.
Vol.	XX.	Fisheries and Botany of Bengal, with General Index.
Vol.	XX.	General Index only.

Price, per volume, R4; postage, 5 annas.

Manual of Materia Medica in Urdu, compiled by SHAIK AKBAR ALLY, Civil Hospital Assistant, Dinapore. *Price, 8 annas per copy; packing and postage, 2 annas.*

Buddha Gayá, the Hermitage of Sákya Muni. By Rájendralála Mitra, LL.D., C.I.E., Honorary Member of the Royal Asiatic Society of Great Britain and Ireland, and of the Physical Class of the Imperial Academy of Sciences, Vienna; Corresponding Member of the German and of the American Oriental Societies; of the Royal Academy of Science, Hungary, and of the Ethnological Society of Berlin; Fellow of the Royal Society of Northern Antiquaries, Copenhagen, &c., &c. *Price, R30; packing and postage, R1-4.*

Further Notes on the Rungpore Records, Vol. II. By E. G. GLAZIER, Esq., C.S., Officiating Magistrate and Collector, Rungpore. *Price, R1; postage, 2 annas.*

Selection of Papers regarding the Hill Tracts between Assam and Burma, and on the Upper Brahmapooter. *Price, R5; postage, 4 annas.*

Selections from Divisional and District Annual Administration Reports, 1872-73, with the Government Resolutions on them. *Price, R5; postage, 6 annas.*

Selections from the Supplement to the *Calcutta Gazette*, 1871 to 1874. *Price, R2-8; postage, 8 annas.*

Progressive Colloquial Exercises in the Lushai Dialect of the Dzo or Kuki Language. With Vocabularies and Popular Tales (notated). By Captain THOMAS HERBERT LEWIN, B.S.C., Deputy Commissioner, Chittagong Hills. *Price, R6; postage, 8 annas.*

Notes on the History of Midnapore, as contained in records extant in the Collector's Office. By J. C. PRICE, Officiating Settlement Officer of Midnapore. Vol. I. *Price, R3; postage, 3 annas.*

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

Price—Bound copies	R45 0 0
„ Unbound copies	„ 35 0 0

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

Vol. I, bound in full cloth, lettered	R10 0 0
Vol. II, ditto ditto	„ 10 0 0
Single copies of monthly Nos.	„ 2 0 0

Annual Statement of the Sea-borne Trade and Navigation of the Bengal Presidency, and of its Chief Port and each of the Subordinate Ports, with Foreign Countries, for the official year 1875-76. Vol. I. *Price, R12; postage, 10 annas.*

Rules for the Examination of, and grant of Certificates of Competency to, Masters, Mates and Engineers. *Price, R1; postage, 1 anna.*

Abstract of the Rules of the Road at Sea, in English. *Price, R1-4; packing and postage, 1 anna 6 pies.*

Ditto ditto in Arabic. *Price, R1; packing and postage, 1 anna 6 pies.*

Ditto ditto in Bengali. *Price, R1; packing and postage, 1 anna 6 pies.*

Ditto ditto in Urya. *Price, R1; packing and postage, 1 anna 6 pies.*

Sanitary Primers in English and in Bengali. *Price, R6 per hundred, including transit and packing charges; single copies, 1 anna each.*

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

West India Pilot, Vol. II . . . R5 0 0

☞ *Cash must be sent with order.*

Apply to Accountant, Bengal Secretariat, Writers' Buildings, Calcutta.

NOTICE.

The 9th February 1883.—The subscription to, and postage for, the *Calcutta Gazette* will henceforward be at the following rates, payable in advance:—

For the Mofussil.

	R	a.	p.	
Entire Gazette . . .	15	0	0	per annum.
Postage . . .	5	0	0	„
Supplement . . .	6	0	0	„
Postage . . .	3	0	0	„
Parts III, IV, V, and VI, containing the Acts and Bills of the Legislative Councils of India and Bengal	5	0	0	„
Postage . . .	2	8	0	„
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Postage . . .	0	2	0	
Supplement . . .	0	4	0	
Postage . . .	0	1	0	
Parts III, IV, V, and VI	0	1	0	for 4 sheets or under with an additional charge of 1 anna for every 4 sheets in excess of 4.
Postage . . .	0	1	0	

For Calcutta.

The same rates as those for the mofussil, with the exception of the charge for postage.

E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 8, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

	R	a.	p.
Subscription for *Gazette* and Supplement per annum	15	0	0
Postage	5	8	0
Subscription for Supplement only .	6	0	0
Postage	3	0	0
For a single copy of the *Gazette* .	0	8	0
For a single copy of the Supplement .	0	4	0

Postage on single copies varies according to weight.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

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

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

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

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

BANK OF BENGAL.

NOTICE.

Calcutta, the 4th November 1884.

The Directors have appointed Mr. F. D. C. Strettell to act as Agent at Akyab, temporarily, *vice* Mr. H. K. Gordon, on leave.

W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 13th October 1884.

No. 27.—The services of 2nd Class Hospital Assistant, No. 101, Bahadur Shah are placed permanently at the disposal of the Punjab Government for civil employment, with effect from the date of his being relieved of his duties in the Lawrence Military Asylum, Sunawur.

The 14th October 1884.

No. 28.—The undermentioned Assistant Surgeons of the Imperial establishment are transferred to the Bengal Provincial establishment to fill vacancies:—

Kally Doss Bose.
Odeutoollah.
Bunka Vihari Mitra.
Bhola Nath Pal.
Aunoda Prosad Mozoomdar.
Brojo Nauth Chowdhry.
Behari Lal Chackravarti.
Kasi Nath Ghosh.
Nagendra Kumar Mullick.
Guru Charn Das Gupta.

Mohendro Nath Das.
Umes Chandra Ghosh.
Hari Charan Sen.
Aupoorbo Krishna Das.
Syma Charan Sen.
Khirode Kumar Dutta.
Nritya Lal Basack.
Khiroda Chandra Ray.
Raj Krishna Ghosh.
Khirode Chunder Chowdhuri.
Purna Chunder Purkait.

The 23rd October 1884.

No. 29.—The services of 3rd Grade Assistant Surgeon Gopal Chandra Mukerjea, of the supernumerary list, are placed temporarily at the disposal of the Agent, Governor General, Rajputana, for employment at Beawur.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 28th October 1884.

No. 3393 *G.*—Mr. M. J. Monckton, Executive Engineer for Irrigation in Meywar, returned to duty on the forenoon of the 5th of October 1884, from the privilege leave granted to him in this Office Notification No. 2425 G., dated the 6th of August 1884.

The 31st October 1884.

No. 3414 *G.*—This Office Notification No. 2555 G., dated 18th August 1884, granting sixty days' privilege leave to 2nd Class Hospital Assistant Teja Sing (No. 119), of the Deoli Irregular Force, is hereby cancelled.

By Order,
W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 30th October 1884.

No. 917.—With the previous sanction of the Government of India, the Chief Commissioner of Ajmir-Merwara, under Section 25 of Act III of 1880 (The Cantonment Act) directs the addition of the following rule to those now in force in the Nasirabad Cantonment :—

"Bhisties sweepers are responsible for the cleanliness of all houses, buildings, privies, roads, and lands situated within such portions of the Cantonment as are comprised in their respective 'hulkas' or subdivisions of the Bazar."

By Order,
W. H. C. WYLLIE,
1st Asst. to the Chief Commr.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 29th October 1884.

No. 46.—Lieutenant G. M. Porter, R.E., Executive Engineer, is transferred from the Rawalpindi Command, Military Works, to the Headquarters staff of the Inspector General, Military Works.

No. 47.—Captain N. Arnott, R.E., Executive Engineer, 2nd Grade, on return from furlough, is posted to the Presidency-Oudh Command, Military Works.

No. 48.—Captain W. T. Shone, R.E., Executive Engineer, 3rd Grade, on return from furlough, is posted to the Meerut Command, Military Works.

No. 49.—Major G. D'A. Jackson, Executive Engineer, 3rd Grade, is transferred from the Meerut Command, Military Works, to the Presidency-Oudh Command, Military Works.

No. 50.—Captain W. H. Chippindall, R.E., Executive Engineer, 4th Grade, is transferred from the Presidency-Oudh Command, Military Works, to the Sirhind-Lahore Command, Military Works.

No. 51.—Captain S. C. Turner, R.E., Executive Engineer, 1st Grade, is granted three months' special leave, with effect from 10th November 1884, under the provisions of Military Department Notification No. 249 of 1873.

The 3rd November 1884.

No. 52.—Lieutenant F. H. Oldfield, R.E., Assistant Engineer, 2nd Grade, passed the examination laid down in Public Works Code, Chapter II, paragraphs 16, 18, and 20, for promotion to Assistant Engineer, 1st Grade, on the 15th October 1884.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

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

Date.	Silver tendered, but returned unconverted.	Certificates issued on: General Treasury.	Certificates issued on: Currency Department.	Balance of Bullion: Under Assay.	Balance of Bullion: Assayed.	Balance of Bullion: Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Oct. 27				366	1,42,94,819	1,34,40,467
„ 28	Holidays.					
„ 29						
„ 30				366	1,42,94,819	1,34,40,467
„ 31			410		1,42,94,819	1,34,40,845
Nov. 1					1,42,94,819	1,34,40,845

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 3rd November 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 4th November 1884.

LIABILITIES.	₹	a.	p.	₹	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,306	4	4
Public Deposits at Head Office	83,39,357	2	7	1,77,87,361	8	2
Public Deposits at Branches	94,48,004	5	7			
Other Deposits at Head Office and Branches				2,99,97,352	3	9
Bank Post Bills, &c.				2,81,316	3	6
Sundries				14,19,990	0	0
RUPEES				7,36,45,326	3	9

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				69,12,680	0	0
Other authorized Investments				38,52,384	6	0
Loans on Government and other authorized Securities				79,36,448	0	8
Accounts of Credit on Government and other authorized Securities				78,27,509	10	3
Bills discounted and purchased				1,41,26,758	9	0
Balances with other Banks				7,91,698	1	9
Bullion				28,725	7	11
Dead Stock				11,87,699	6	10
Stamps				8,137	6	0
Sundries				6,28,844	9	3
				4,33,00,885	9	8
Cash and Currency Notes at Head Office	1,72,39,833	2	8	3,03,44,440	10	1
Cash and Currency Notes at Branches	1,31,04,607	7	5			
RUPEES				7,36,45,326	3	9

BANK OF BENGAL,
Calcutta, 6th November 1884.

J. GORDON,
Chief Accts. & Depy. Secretary.
Rate for Demand Loans 3 per cent.
Percentage 61·3.

By order of the Directors,
W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

CURRENCY NOTES.

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

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
181	R 10—43128	100	Major R. F. Williamson, Royal Welch Fusiliers, Dum-Dum.
	„ —43129	100	
	„ —43130	100	
182	P 39—55042	50	Jogendra Chandra Banerjee, Shamroypara, Kalna.

CALCUTTA.
The 7th November 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 1st November 1884.

No. 68.—Baboo Labdha Ram Sahni, Assistant Engineer, 2nd Grade, Bilaspore-Etawah State Railway Survey, has passed the Departmental Standard Examination in Hindustani.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, in the month of August 1884, treasure consisting of two silver Chowkains, one weighing 11½ and the other 8 tolas; and one silver chain, weighing 25 tolas; and two silver (Pilay), weighing 3 tolas each; and another of the same kind, weighing 1½ tolas; and one Matta made of bell-metal, and one rupee in coin; one silver ring, weighing one tola; one copper pot and one piece of silver, was found underground in the house of Vali Muragappah, in the village of Hadaguili, in Hadagalli Taluk, in Bellary District.

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent before the Collector of Bellary, at his office, at 11 A.M., on the 15th May 1885, in order to the matter being enquired into and determined according to the provisions of the said Act.

———,
for Dist. Magistrate.

BELLARY MAGISTRATE'S OFFICE,
The 30th October 1884.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 6th November 1884.

Colledge, L. D.
Culloden, Mrs. H. A.
Davenay, W.
Dick, A. E.
Gibson & Co.
Grant, Mrs. H. N. P.
Harrington, R. R.
Hawk, C. W.
King, L. R. R.
Norville, H.
Power, J. B. (2.s.)
Simeon, C.
Stark, Richard & Stoakel, Edward, Street & Co.
Sulzamba, Frank.
Whitley, J. E.

Letters marked "Care of Post Office

Adda, Henry.	Fredalis, Soni.	Q. R.
Amoss, Thomas.	Golding, Herbert.	"Regina."
Artin, Mrs.	Gill, F. N. G.	"Rex."
Bagrs, W. H.	H. E. M.	Robinson, Ellen.
Boileau, Captain H.	H. M. W.	Schomerully, Mr.
Bott, Fred.	Harcourt, W. H.	Selous, Edmund.
Brigg, E. A.	Harman, J. M.	Sestan, S.
Burne, O.	Hoskins, A. C.	"Stanhope."
Capel, Lt.-Col. A. W.	Hurst, W. H.	Thompson, James.
Caurey, Captain.	King, W.	T. P. H. C.
C. G.	Lampard, Henry.	Uren, Thomas.
Chapman, Frank.	Lawles, Hiram.	Wallace, Col. W. A. J.
Clift, Mrs. H. W.	Livingston, Archibald.	Webb, Mrs. C. J.
Clive, J. R.	Lopez, E.	Williams, Mr. John.
Cooper, H.	Macdonald, Mrs. J.	Williamson, W. F.
Crowley, Mrs.	Meij, H.	Wilson, Theos.
Dodd, Col. C. A.	"Merchant."	X. T. Z.
E. N. H.	Morris, Pierce M.	X. Z. G.
Friedrich, Gustav.	Murgatroyd, C. A.	

Registered Letters.

Bisnee, S. R.	Cherkes, Laya.	Thiband, Thomy.
Cabitt, W.	Ferefourd, Duglass.	

E HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 20th October 1884.

Bickers, M. E.	Honiff.	Maddocks, P. T.
Bose, Jogendra Nath.	Hughers, Rev. J.	Mayo, Dr.
Brensley, Dr. C. E. W.	Lavalette, Mrs. T. W.	Mukerjee, SurendroNath.
Campbell, Major C. W.	Love, C. E.	Muir, Surgeon-Major H. S.
Hetim, Tai.	Luard, Col. F. P.	Power, T.
Hill, Mrs. C. R.	MacDonald, D.	

A. P. GHOSAL,
Postmaster, Barrackpore.

Simla, the 8th November 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	15th Nov.	P. & O. Str. Chusan.
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies		
Foreign Mails *viâ* Bombay	11th ,,	From Bombay.
Do. Book Post and Pattern Packets	11th ,,	From Bombay.*
Rangoon and Moulmein	10th ,,	Ditto.
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	12th ,,	Str. *Rajpootana.*
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 15, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

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Calcutta, the 10th November 1884.

Mr. R. Hardie has returned from leave and resumed the Office of Secretary and Treasurer.

By Order of the Board,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 1st November 1884.

No. 478.—In supersession of Notification No. 473, dated the 10th October 1884, the following promotion is made, with effect from the forenoon of the 25th September 1884, *vice* Mr. J. McCay, deceased:—

Mr. A. George, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

No. 479.—Mr. William Skilling is appointed an Assistant Surveyor, 3rd Grade. Survey of India, with effect from the date he reports himself for duty, to fill an existing vacancy.

G. C. DaPRÉE, *Colonel,*
Surveyor General of India.

Calcutta, the 13th November 1884.

No. 480.—Mr. J. Todd, Surveyor, 2nd Grade, having returned to duty on the forenoon of 1st October 1884, from the furlough granted him in Notification No. 345, dated 10th April 1883, the following reversion is made, with effect from the same date:—

Mr. J. Newland, Officiating Surveyor, 4th Grade, to revert to his substantive appointment of Assistant Surveyor, 1st Grade.

M. W. ROGERS, *Major, R.E.,*
Assistant Surveyor General,
for Surveyor General of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 5th November 1884.

No. 3409.—The undermentioned Hospital Assistant, who has passed his Septennial Professional Examination, is promoted to the next higher class, with effect from the date specified against his name :—

NAME.	DATE OF COMPLETION.		Date of passing professional examination.	Date of promotion.
	14 years' service.	7 years' service.		
WITH ENGLISH QUALIFICATION EXAMINATION.				
Bihari Lal. . .	...	Sept. 27, 1884	Oct. 15, 1884	Oct. 15, 1884

By Order,

D. ROBERTSON, *Captain,*
1st Asst. to the Agent to the Govr. Genl. for Central India.

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

NOTIFICATIONS.—ESTABLISHMENT.

Indore, the 5th November 1884.

No. 11.—Mr. H. E. Grant, Assistant Engineer, 2nd Grade, is appointed Officiating Executive Engineer, Gwalior Division, during Mr. Ewing's absence on two months and twenty-four days' privilege leave, or until further orders, with effect from 15th October 1884.

No. 12.—Mr. P. Magrath, Sub-Engineer, 1st Grade, has been promoted to the honorary rank of Assistant Engineer, with effect from the 1st instant.

No. 13.—Mr. D. M. Litster, Assistant Engineer, 2nd Grade, has passed the examination prescribed in Public Works Code, Chapter II, paragraph 21, therefore the letters D. S. will be inserted against his name in the Classified List.

By Order,

C. S. THOMASON, *Col., R.E.,*
Secy. to Agent to the Govr. Genl. for Central India, P. W. D.

CHIEF COMMISSIONER AND SUPERINTENDENT, ANDAMAN AND NICOBAR ISLANDS.

NOTIFICATIONS.

Port Blair, the 1st November 1884.

No. 13.—Consequent on the departure of Lieutenant-Colonel M. Protheroe, C.S.I., Deputy Superintendent, Port Blair and Nicobars, on privilege leave, the following appointments are made, with effect from the afternoon of this date :—

Major R. J. Wimberley, from 1st Assistant Superintendent to Officiating Deputy Superintendent.

Mr. E. H. Man, from Officiating 2nd Assistant Superintendent to Officiating 1st Assistant Superintendent.

Mr. O. H. Brookes, from Officiating 3rd Assistant Superintendent to Officiating 2nd Assistant Superintendent.

Mr. M. B. Portman, from Officiating Extra Assistant Superintendent, 1st Class, to Officiating 3rd Assistant Superintendent.

Mr. R. Wimberley, from Officiating Extra Assistant Superintendent, 2nd Class, to Officiating Extra Assistant Superintendent, 1st Class.

No. 14.—With reference to Home Department Notification No. 702 F., dated 16th September 1884, Mr. M. H. Ferrars availed himself of the leave on the afternoon of 16th August, and returned to duty on the forenoon of the 1st September 1884.

T. CADELL, *Colonel,*
Chief Commr. of the Andaman and Nicobar Islands, and Supdt. of Port Blair and Nicobars.

CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

Bangalore, the 6th November 1884.

No. 19.—C. Timmaya, Subedar of the Yelsavirshime Taluk, having returned to duty on the 17th October 1884, from the three months' leave on private affairs, sanctioned in Notification No. 11 of 16th August last, and of which he availed himself on the 1st September 1884, the unexpired portion of the leave is cancelled.

By Order,

H. WYLIE, *Major,*
Secretary to the Chief Commr. of Coorg.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 5th November 1884.

No. 53.—With reference to Government of India, Military Department, Notification No. 587, dated 31st October 1884, Captain R. Jennings, R.E., Assistant Engineer, 1st Grade, joined the Military Works Department on the 6th October 1884, and is posted to the Head-Quarters Staff of the Inspector General of Military Works, which he joined on the forenoon of the same date.

The 6th November 1884.

No. 54.—Lieutenant H. Mullaly, R.E., Assistant Engineer, 2nd Grade, passed the examination laid down in Public Works Code, Chapter II, paragraphs 16—18, for promotion to the rank of Assistant Engineer, 1st Grade, on the 10th September 1884.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 6th November 1884.

No. 30.—In continuation of Notification No. 19, dated 24th July 1884, 3rd Grade Assistant Surgeon Siva Prosad Ray, of the Imperial Establishment, has been granted by the Secretary of State for India a further extension of extraordinary leave for forty-five days without pay.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 5th November 1884.

No. 69.—With reference to Government of India, Public Works Department, Notification No. 258, dated the 22nd October 1884, Mr. A. Collings, Executive Engineer, 4th Grade, is posted to the Sind-Sagar Railway Surveys.

No. 70.—With reference to Government of India, Public Works Department, Notification No. 268, dated 31st October 1884, Mr. J. S. Brown, Executive Engineer, 4th Grade, sub. *pro tem.*, is posted to the Rajputana-Malwa State Railway.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

RAJPUTANA-MALWA RAILWAY. (Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATION.

Ajmere, the 5th November 1884.

No. 15.—Mr. R. E. Wright, Executive Engineer, 2nd Grade, sub. *pro tem.*, is granted twelve months' furlough together with the usual subsidiary leave, with effect from 1st January 1885, or such subsequent date as he may be permitted to avail himself of the same.

H. DANGERFIELD,
Offg. Manager.

Report of a Deserter from the 2nd Battalion, Royal Lancaster Regiment of Infantry, dated at Poona, E. I., this 7th day of November 1884.

Number, Rank, and Name,—No. 3291, Private Charles Evans.
Age,—27 years 11 months.
Size,—5 feet 6¼ inches.
Colour of—
Complexion, fresh ; Hair, light brown ; Eyes, brown.
Date of Desertion,—3rd November 1884.
Place of Desertion,—On pass, Bombay.
Date of Enlistment,—12th December 1878.
At what Place Enlisted,—Kettering.
Parish and County in which Born,—St. Chad's, Shrewsbury, Salop.
Marks,—Cicatrix under left jaw.
Trade,—Groom.
Coat or Jacket,— } Regimentals.
Waistcoat,— . }
Breeches or Trowsers— . }
REMARKS,—
Under 6 years' service.

O. R. MIDDLETON, *Lieut.-Colonel,*
Comdg. 2nd Battn., Royal Lancaster Regt.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on or about the 4th day of October 1884, treasure consisting of 15 Dasarikattu rupees, valued at about Government ₹15, were found under ground in front of the house of Tade people, in the village of Bennabhupalapatnam, in the Golugonda Taluk, Vizagapatam District.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Vizagapatam, at his office, at 11 A.M., on the 25th May 1885, in order to the matter being enquired into and determined according to the provisions of the said Act.

H. G. TURNER,
Actg. Collector.

VIZAGAPATAM COLLECTOR'S OFFICE,
The 3rd November 1884.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on the 30th day of September 1884, treasure consisting of 36 large and 15 small Dasarikattu rupees, valued at about Government ₹43½, were found in a brass vessel under ground in the street in front of Mandarapu Swami's house, in the village of **Kottakota, in the Golugonda Taluk, Vizagapatam District.**

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Vizagapatam, at his office, at 11 A.M., on the 25th May 1885, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

H. G. TURNER,
Actg. Collector.

VIZAGAPATAM COLLECTOR'S OFFICE,
The 3rd November 1884.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
NOV. 3	23,42,746	. . .	. . .	23,42,746	1,43,94,938	1,24,48,846
„ 4	1,49,425	. . .	. . .	24,92,171	1,43,94,938	1,24,48,846
„ 5	50,168	. . .	. . .	25,42,339	1,43,94,938	1,24,48,846
„ 6	2,073	. . .	. . .	25,44,412	1,43,97,061	1,24,48,846
„ 7	. . .	. . .	. . .	25,44,412	1,43,97,061	1,24,48,846
„ 8	. . .	. . .	2,87,221	22,62,867	1,46,90,444	1,27,48,220

R. V. RIDDELL. *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 10th November 1884.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st October 1884.

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans: Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Total.	4½ per cent. Loans: Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.	Transfer Loan of 1879, Seven Shillings per cent. Portion.	5 per cent. Loan of 1856-57.	GRAND TOTAL.
Balance of 15th October 1884	54,100	13,36,853	27,86,900	2,35,16,500	99,86,600	3,00,49,037	2,44,32,200	9,21,08,090	45,89,800	95,50,300	10,18,34,800	11,59,74,900	1,24,500	56,200	20,83,17,790
Add—															
Amount enfaced at Madras between 16th and 31st October 1884	. . .	. . .	. . .	1,05,200	3,000	4,200	30,400	1,42,800	. . . .	. . . .	1,01,500	1,01,500	. . . .	. . . .	2,44,300
Amount enfaced at Bombay between 16th and 31st October 1884	. . .	. . .	. . .	1,500	500	1,500	. . .	3,500	. . . .	. . . .	31,000	31,000	. . . .	. . . .	34,500
Amount enfaced at Calcutta between 16th and 31st October 1884	. . .	. . .	. . .	10,000	1,000	23,500	36,000	70,500	. . . .	36,000	27,000	63,000	. . . .	. . . .	1,33,500
	54,100	13,36,853	27,86,900	2,36,33,200	99,91,100	3,00,78,237	2,44,98,600	9,23,24,890	45,89,800	95,86,300	10,19,94,300	11,61,70,400	1,24,500	56,200	20,87,30,090
Deduct—															
Amount written off in the London Registers	. . .	. . .	500	23,500	2,500	37,500	16,000	80,000	. . . .	41,000	1,85,000	2,26,000	. . . .	23,500	3,29,500
Balance on 31st October 1884	54,100	13,36,853	27,86,400	2,36,09,700	99,88,600	3,00,40,737	2,44,82,600	9,22,44,890	45,89,800	95,45,300	10,18,09,300	11,59,44,400	1,24,500	32,700	20,84,00,590

NOTE.—From 9th June 1867 to 31st Aug. 1884, enfaced from India 5,027 lakhs; re-transferred from London 4,312 lakhs.
" 1st Sept. 1884 to 15th Sept. " " " 10 " " " 5 "
" 16th " " to 30th " " " 7 " " " 5 "
" 1st Oct. " to 15th Oct. " " " 10 " " " 6 "
" 16th " " to 31st " " " " 4 " " " 3 "
5,059 lakhs. 4,331 lakhs.
4,331 "
Balance against India . 727 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 6th November 1884.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 6th November 1884.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rajputana	August	Octr. 14, 1884
2	Punjab	Do.	Do. 17, "
3	Port Blair	Do.	Do. 20, "
4	Bombay	Do.	Do. 25, "
5	Central India	Do.	Do. 27, "
5	Hyderabad Imperial	Do.	Do. 27, "
5	Ditto Assigned Districts	Do.	Do. 27, "
8	Assam	Do.	Do. 29, "
8	Coorg	Do.	Do. 29, "
8	Madras	Do.	Do. 29, "
8	North-Western Provinces and Oudh.	Do.	Do. 29, "
12	British Burma	Do.	Nov. 1, "
13	Central Provinces	Do.	Do. 3, "
14	Bengal	Do.	Do. 4, "
15	Military Works Branch	Do.	Do. 5, "

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rajputana	Aug. 1884	Oct. 13, 1884
2	Punjab	Do. "	Do. 20, "
3	Bombay	Do. "	Do. 24, "
3	Bengal	Do. "	Do. 27, "
4	North-Western Provinces and Oudh.	Do. "	Do. 27, "
6	Madras	Do. "	Do. 29, "
7	British Burma	Do. "	Nov. 1, "

TELEGRAPH.

1	Indo-European	July 1884	Oct. 13, 1884
2	Indian	Do. "	Do. 20, "
3	General	Do. "	Do. 28, "

GUARANTEED RAILWAYS.

1	State Ry., Stores Branch	Aug. 1884	Oct. 16, 1884
2	Punjab	Do. "	Do. 17, "
3	Bombay	Do. "	Do. 24, "
4	North-Western Provinces and Oudh.	Do. "	Do. 29, "
5	Bengal	Do. "	Nov. 5, "
6	Madras	July "	Sept. 30, "

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Bhopal	Aug. 1884	Oct. 13, 1884
2	N.-W. P. & Oudh Provl. Railway Survey.	Do. "	Do. 15, "
3	State Ry., Stores Branch	Do. "	Do. 16, "
4	N.-W. P. & Oudh Subsidized.	Do. "	Do. 17, "
4	Amritsar Pathankot	Do. "	Do. 17, "
6	Nalhati	Do. "	Do. 20, "
7	Bengal & North-Western	Do. "	Do. 1, "
7	Wardah Coal	Do. "	Do. 21, "
9	Punjab Northern	Do. "	Do. 22, "
10	Bombay Railway Surveys	Do. "	Do. 24, "
10	Bengal Central	Do. "	Do. 24, "
12	Dhond & Manmad	Do. "	Do. 25, "
12	Jhansi-Manickpur	Do. "	Do. 25, "
14	Assam Railway Surveys	Do. "	Do. 27, "
14	Indus Valley	Do. "	Do. 27, "
14	Kaunia-Dhurla	Do. "	Do. 27, "
14	Nagpur-Chattisgarh	Do. "	Do. 27, "
14	Patna & Gya	Do. "	Do. 27, "
14	Sindia	Do. "	Do. 27, "
14	Tirhoot	Do. "	Do. 27, "
14	Sind-Pishin (Northern Sec.)	Do. "	Do. 27, "
14	Sind-Pishin (Southern Sec.)	Do. "	Do. 27, "
24	Assam Subsidized	Do. "	Do. 27, "
24	Cuddapah-Nellore	Do. "	Do. 28, "
24	Eastern Bengal	Do. "	Do. 28, "
26	Madras Railway Surveys	Do. "	Do. 29, "
27	Bengal Administrative Charges.	Do. "	Do. 30, "
27	Ranaghat-Bhagwangola	Do. "	Do. 30, "
27	Rewari-Ferozepore	Do. "	Do. 30, "
30	British Burma	Do. "	Nov. 1, "
30	Holkar	Do. "	Do. 1, "
30	Northern Bengal	Do. "	Do. 1, "
30	Rajputana-Malwa	Do. "	Do. 1, "
30	Bassein-Henzada Ry. Survey	Do. "	Do. 1, "
35	Bellary-Kistna	Do. "	Do. 3, "
35	Cawnpore-Achneyra	Do. "	Do. 3, "
35	Southern Mahratta	Do. "	Do. 3, "
38	Dacca-Mymensing	Do. "	Do. 4, "
38	Kokilamukh	Do. "	Do. 4, "
40	Bengal Provl. Ry. Surveys	Do. "	Do. 6, "
40	N.-W. P. & Oudh Provl. Railways.	Do. "	Do. 6, "
46	East Indian	July 1884	Oct. 27, "
48	Bhavnagar-Gondal (Land Charges).	June "	Aug. 27, "

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Bhopal	Aug. 1884	Oct. 13, 1884
2	Wardah Coal	Do. "	Do. 20, "
3	Punjab Northern	Do. "	Do. 22, "
4	Indus Valley	Do. "	Do. 27, "
4	Kaunia-Dhurla	Do. "	Do. 27, "
4	Nagpur Chattisgarh	Do. "	Do. 27, "
7	Eastern Bengal	Do. "	Do. 28, "
8	Nalhati	Do. "	Do. 30, "
9	British Burma	Do. "	Nov. 1, "
9	Northern Bengal	Do. "	Do. 1, "
9	Rajputana-Malwa	Do. "	Do. 1, "
9	Rewari-Ferozepore	Do. "	Do. 1, "
9	Tirhoot	Do. "	Do. 1, "
14	Southern Mahratta	Do. "	Do. 3, "
15	Cawnpore-Achneyra	Do. "	Do. 6, "
16	East Indian	July "	Oct. 27, "
17	Ghazipur Dildarnagar	June "	Do. 11, "
18	Sindia	Do. "	Do. 16, "

FOREIGN STATES.
CAPITAL REVENUE.

Nizam's	Aug. 1884	Oct.	29, 1884
Bhavnagar-Gondal	Do. "	Do.	29, "
Khamgaon	July "	Sept.	30, "
Amraoti	Do. "	Oct.	20, "

Simla, the 10th November 1884.

A. G. BEGBIE, *Major, R.E.,*
for Accountant General, P. W. Dept.

Statement of the Affairs of the Bank of Bengal for the week ending 11th November 1884.

LIABILITIES.	₹	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,59,306	4	4
Public Deposits at Head Office (₹ 91,63,814 15 1)			
Public Deposits at Branches (₹ 81,16,599 14 0)	1,72,80,414	13	1
Other Deposits at Head Office and Branches	3,05,97,984	9	11
Bank Post Bills, &c.	3,11,074	15	1
Sundries	14,73,310	6	5
RUPEES	7,38,22,091	0	10

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				73,07,466	0	0
Other authorized Investments				38,73,612	8	0
Loans on Government and other authorized Securities				80,39,061	7	9
Accounts of Credit on Government and other authorized Securities				79,06,596	14	0
Bills discounted and purchased				1,48,60,723	1	3
Balances with other Banks				8,22,666	2	5
Bullion				28,759	15	11
Dead Stock				11,85,670	0	5
Stamps				9,069	7	0
Sundries				6,29,055	14	3
				4,46,62,681	7	0
Cash and Currency Notes at Head Office	1,61,51,073	2	1			
Cash and Currency Notes at Branches	1,30,08,336	7	9	2,91,59,409	9	10
RUPEES				7,38,22,091	0	10

BANK OF BENGAL,
Calcutta, 13th November 1884.

J. GORDON,
Chief Accit. & Depy. Secretary.

Rate for Demand Loans 3 per cent.
Percentage 58·7.

By order of the Directors,
R. HARDIE,
Secy. & Treasurer.

CURRENCY NOTES.

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

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
1884.			
W38	M 75—85396	100	C. Rahimbux Penji, Calcutta.
W39	M 74—52868	50	Dinsha Edalji, Shajehanpur.
	M 84—03844	50	
W41	M 76—30173	1,000	Superintendent, Bombay, Baroda, and Central India Railway Police, Bombay.
	„ —23888	1,000	
	„ —21956	1,000	
	„ —29013	1,000	

BOMBAY,
The 11th November 1884.

R. A. STERNDALE,
Asst. Accit. Genl., Paper Currency Dept.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
183	P 10—81206	100	Nurput Singh, No. 15, Ahiritola, Calcutta.
	R 9—62081	100	
186	R 10—43845	100	Kawal Shaw, Dinapore.
187	P 78—18144	100	Radha Kissen, Lahore.

CALCUTTA,
The 14th November 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
24	E 20—86198	100	Noor Deen and Alla Bux, Dibi Bazar, Lahore.

LAHORE,
The 8th November 1884.

W. H. EGERTON,
for Depy. Commr. of Paper Currency.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
30	B 78—67701	50	T M. Sabapathy Pillai, Negapatam.
31	B 84—69268	100	The Post Master General, Madras.

FORT ST. GEORGE,
The 8th November 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl., In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 13th November 1884.

Baker, C. W.
Cunningham, W.
Fairtle, A. C.
Finchett, W. A.
Gonsalves, F. A.
Harbans & Co.
Kinney, T.
Mills, Arthur.
Prinsep, C. R.
Rowe, C. F.
Smart, O.
Walkem, Mrs. J. W.
Watts, G. W.
Westwood, Mrs.

Letters marked "Care of Post Office.

Adds, Henry.
Amoss, Thomas.
Archdeacon of Colombo.
Avenel, Miss.
Boileau, Captain H.
Bott, Fred.
Brigg, E. A.
Burne, O.
Capel, Lt.-Col. A. W.
Caurey, Captain.
C. G.
Chapman, Frank.
Cliff, Mrs. H. W.
Cooper, H.
DeLa Grange, Baron Louis.
Dodd, Col. C. A.
Edwards, Brig. Genl.
E. S. H.
Faerstermann, Ignatz.
Fredalis, Soni.
Golding, Herbert.
Gill, F. N. G.
G. P. H. C.
Graham, John.
Gray, John Raymond.
H. E. M.
H. M. W.
Harcourt, W. H.
Harman, J. M.
Hoskins, A. C.
Howard, Mrs. M. S.
Huddleston, John E. Leslie.
Hurst, W. H.
King, W.
Knight, Capt. M. J.
Lampard, Henry.
Laughlin, R. C.
Lawless, Hiram.
Lewis, H.
Lopez, E.
Macdonald, Mrs. J.
Meij, H.
Morris, Pierce M.
Murgatroyd, C. A.
Q. R.
Ralston, James.
"Regina."
"Rex."
Salsa, Federigo T.
Schomerilly, Mr.
Sestan, S.
Simpson, Miss M.
"Stanhope."
Stern, Edward.
Thompson, James.
T. P. H. C.
Uren, Thomas.
Wallace, Col. W. A. J.
Williams, Mr. John.
Williamson, W. F.
Wilson, Theoe.

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Frawk, Rev. J. E. D.
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E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 22, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

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

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 15th November 1884.

No. 481.—Consequent on the retirement of Brevet Colonel B. R. Branfill, B.C., Deputy Superintendent, 1st Grade, the following promotions are made, with effect from the forenoon of the 10th November 1884:—

Major G. Strahan, R.E., Deputy Superintendent, 2nd Grade (on furlough), to be Deputy Superintendent, 1st Grade.

Major W. J. Heaviside, R.E., Officiating Deputy Superintendent, 2nd Grade, is confirmed in that Grade.

Mr. H. Horst, Officiating Deputy Superintendent, 3rd Grade, is confirmed in that grade.

Major R. Beavan, S.C., Officiating Deputy Superintendent, 4th Grade, is confirmed in that grade.

Mr. F. W. Kelly, Officiating Assistant Superintendent, 1st Grade, is confirmed in that grade.

The 17th November 1884.

No. 482.—Mr. S. O. Madras, Assistant Surveyor, 1st Grade, Survey of India, is granted under Section 138, Chapter X, of the Civil Leave Code, privilege leave for three months, with effect from 20th November 1884, or such date as his services can be spared.

H. R. THUILLIER, *Lieut.-Col., R.E.*,
Deputy Surveyor General,
for *Surveyor General of India.*

SURVEY OF INDIA—REVENUE BRANCH.

NOTIFICATION.

Calcutta, the 15th November 1884.

No. 5 *R.*—Mr. D. A. King, Surveyor, 4th Grade, is granted privilege leave for thirty-six days, under the provisions of Chapter X, Section 138, of the Civil Leave Code, with effect from the 26th September 1884.

H. R. THUILLIER, *Lieut.-Col., R.E.,*
Deputy Surveyor General,
in charge Revenue Branch. Survey of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 12th November 1884.

No. 3497.—With reference to Foreign Department Notification No. 1997 G., dated the 16th October 1884, Captain H. M. Temple assumed charge of his duties as Boundary Settlement Officer in Bundelkhand, and *ex-officio* Assistant to the Political Agent, on the forenoon of the 31st October 1884.

By Order,
C. W. RAVENSHAW, *Capt.,*
for 1st Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 11th November 1884.

No. 3472 *G.*—Surgeon-Major T. H. Hendley, Residency Surgeon, Eastern Rajputana States, returned from furlough and re-assumed charge of his duties from Surgeon-Major D. N. Martin, on the forenoon of the 26th October 1884.

The 13th November 1884.

No. 3471 *G.*—Surgeon W. W. Webb, Officiating Medical Officer of the Meywar Bhil Corps, returned to duty on the 21st of October 1884 from the privilege leave granted him in this Office Notification No. 2935 G., dated 26th September 1884.

Third Class Hospital Assistant Gopaldass held medical charge of the Meywar Bhil Corps, from the 18th of August to the 20th of October 1884, both days inclusive.

By Order,
W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 11th November 1884.

No. 24 *C.*—The Chief Commissioner of Ajmir-Merwara is pleased to invest Mir Abdul Aziz, Naib Tehsildar of Beawar, with the undermentioned powers, to be exercised within the limits of the Beawar Tehsil :—

1. Powers of a Munsiff, as defined in Section 9 of Ajmir Courts' Regulation No. I of 1877.
2. Powers of a Magistrate of the 3rd Class, as defined in Section 32, Clause C of the Criminal Procedure Code (Act X of 1882).

Camp Ajmere, the 14th November 1884.

No. 34 *C.*—Under Sections 12 and 37 of Act X of 1882, Lieutenant R. D. C. Davies, Assistant General Superintendent, Thagi and Dacoity, Sujangarh, is invested with the powers of a Magistrate of the 3rd Class, and with the powers described in Section 206 of the said Act, to be exercised within the Ajmere-Merwara District.

By Order,
W. H. C. WYLLIE,
1st Asst. to the Chief Commr.

CHIEF COMMISSIONER OF AJMERE-MERWARA, IN THE P. W. D.

NOTIFICATION.

Camp Ajmere, the 12th November 1884.

No. 2795 *S.*—The land designated below being required for a public purpose, *viz.*, for the Ajmere Municipal Conservancy Tramway Scheme, declaration is made accordingly :—

District.	Purgunnah.	Village.	Area required.			Purpose for which required.	Remarks.
			Permanent.	Temporary.	Total Bighas.		
			Bighas.	*Bighas.*	*Bighas.*		
Ajmere	Ajmere	Ajmere	136 46 1	... 45 ...	136 91 1	Ajmere Conservancy Project.	Plan can be seen at the Office of the Executive Engineer, Ajmere Provincial Division.

This declaration is made under Section 6 of Act X of 1870 (The Land Acquisition Act), and the Assistant Commissioner of Ajmere is hereby directed to take orders for the acquisition of the land specified above under Section 7 of that Act.

By Order,
W. G. CUMMING, *Major, R.E.,*
Offg. Secy. to the Chief Commr., Ajmere-Merwara, in the P. W. D.

CHIEF COMMISSIONER OF COORG.

NOTIFICATIONS.

Bangalore, the 11th November 1884.

No. 20.—Bittiyandra Kalapa, Parpatigar of Kant-Murnad, is appointed to act as Subedar of the Mercara Taluk as a temporary arrangement, *vice* Mr. Kongandra Ganapatti, on other duty.

The 14th November 1884.

No. 21.—Mr. Kongandra Ganapatti, Subedar of the Mercara Taluk, assumed charge of the Office of the 2nd Assistant Commissioner of Coorg and of the District Treasury, on the forenoon of the 27th October 1884, in anticipation of the sanction of the Government of India to his appointment to act as 2nd Assistant Commissioner.

By Order,
H. WYLIE, *Major,*
Secretary to the Chief Commr. of Coorg.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 7th November 1884.

No. 55.—Captain J. F. Garwood, R.E., Executive Engineer, 2nd Grade, on return from furlough is posted to Beluchistan.

The 10th November 1884.

No. 56.—Major H. A. Graves, S.C., Executive Engineer, 4th Grade, on return from the six months' general leave granted him in Inspector General of Military Works' Notification No. 23, dated 3rd May 1884, is posted temporarily to the Rawalpindi Command, Military Works.

The 12th November 1884.

No. 57.—With reference to Government of India, Military Department, Memorandum No. 1107 M. W., dated 30th October 1884, Lieutenant R. V. Phillpotts, R.E., Assistant Engineer, 1st Grade, is posted to the Meerut Command, Military Works.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

Presidency and Oudh Command.

Lucknow, the 18th November 1884.

No. 4.—With reference to Inspector General of Military Works' Notification No. 47, dated the 29th October 1884, Captain N. Arnott, R.E., Executive Engineer, 2nd Grade, has been posted to the Barrackpore Division, Military Works, of which he took over charge from Captain W. H. Chippindall, R.E., Executive Engineer, 4th Grade, on the afternoon of the 3rd November 1884.

W. L. GREENSTREET, *Capt., R.E.,*
Supdg. Engr., Presdy. & Oudh Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 11th November 1884.

No. 71.—With reference to Government of India, Public Works Department, Notification No. 274, dated 5th November 1884, Captain W. W. B. Whiteford, R.E., Executive Engineer, 3rd Grade, is posted to the Sind-Pishin State Railway, Northern Section.

No. 72.—With reference to Government of India, Public Works Department, Notification No. 280, dated 7th November 1884, Mr. G. M. Drury, Class II of the State Railway Superior Revenue Establishment, Traffic Department, is posted to the Rajputana-Malwa State Railway.

The 13th November 1884.

No. 73.—Mr. H. P. Burt, Assistant Engineer, 1st Grade, sub. *pro tem.*, is transferred from the Rajputana-Malwa Railway, to the Office of the Director General of Railways. The transfer is in the interests of the Public Service.

The 14th November 1884.

No. 74.—With reference to Government of India, Public Works Department, Notification No. 281, dated the 8th November 1884, the undermentioned Assistant Engineers, 2nd Grade, are posted to the Sind-Saugor Railway Surveys :—

Mr. C. E. A. Jones.
„ R. H. Hackman.
„ A. E. Orr.

No. 75.—Mr. H. S. Harington, Executive Engineer, 4th Grade, sub. *pro tem.*, has been granted by Her Majesty's Secretary of State for India, an extension of leave for one week in continuation of the twelve months' furlough previously granted him.

No. 76.—Mr. H. S. Harington, Executive Engineer, 4th Grade, sub. *pro tem.*, is, on return from furlough, posted to the Punjab Northern State Railway.

This cancels Director General's Notification No. 64, dated 13th October 1884.

No. 77.—Mr. E. W. Arundell, Executive Engineer, 4th Grade, is transferred from the Rewari-Ferozepore State Railway to the Sind-Saugor Railway Surveys.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

SOUTHERN MAHRATTA RAILWAY.

NOTICE.

Poona, the 15th November 1884.

Tenders are invited for the supply at Bellary of the following bridge-timbers of thoroughly seasoned sound teak, sawn and square, to be straight, free from cracks, knots, and flaws. The timber will be inspected and passed in Bombay or Bellary.

Prices to include cost of carriage to Bellary.

836 pieces 13′ 6″ × 8″ × 6″
836 „ 13′ 6″ × 8″ × 5½″
836 „ 13′ 6″ × 8″ × 5″

Tenders to be addressed to the Chief Engineer, Southern Mahratta Railway, Poona, on or before 27th November.

One-third of the timber of each size to be delivered at Bellary by 1st January 1885, and the remainder before 31st January 1885.

No. 1648.—*Account of Revenue and Expenditure of the Government of India for the first three months of the year 1884-85, as compared with the corresponding period of 1883-84.*

N. B.—Amounts are converted into sterling at R10 to the pound sterling.

	Revenue.	Estimates, 1884-85.	April 1883 to June 1883.	April 1884 to June 1884.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
I	Land Revenue *	22,396,600	6,293,023	6,140,206	...	152,817
II	Opium	8,594,200	2,334,824	2,102,748	...	232,076
III	Salt	6,328,900	1,617,895	1,753,306	135,411	...
IV	Stamps	3,533,000	897,867	937,587	39,720	...
V	Excise	3,796,900	950,453	1,017,698	67,245	...
VI	Provincial Rates	2,740,300	851,369	805,435	...	45,934
VII	Customs	1,289,500	349,008	280,022	...	68,986
VIII	Assessed Taxes	518,100	286,972	286,833	...	139
IX	Forest	1,052,000	162,896	158,010	...	4,886
X	Registration	265,600	77,246	75,827	...	1,419
XI	Tributes from Native States	695,900	120,926	104,549	...	16,377
XII	Post Office	1,059,000	251,854	264,286	12,430	...
XIII	Telegraph	547,700	102,980	109,352	6,372	...
XIV	Mint	102,200	12,873	38,054	25,181	...
XV	Law and Justice	617,900	126,966	111,650	...	15,316
XVI	Police	308,800	70,964	72,908	1,944	...
XVII	Marine	205,900	34,000	31,034	...	2,966
XVIII	Education	198,700	48,772	42,298	...	6,474
XIX	Medical	46,100	12,603	9,634	...	2,969
XX	Scientific and other Minor Departments.	75,700	13,102	12,797	...	305
XXI	Interest	643,100	191,726	193,821	2,095	...
XXII	Receipts in aid of Superannuation, &c.	194,200	26,714	28,758	2,044	...
XXIII	Stationery and Printing	53,000	9,452	8,986	...	466
XXIV	Miscellaneous	248,300	44,867	53,547	8,680	...
		55,511,600	14,889,352	14,639,344	...	250,008
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,716,900	878,715	905,315	26,600	...
	East Indian Railway (Gross Earnings).	4,850,000	1,456,479	1,181,465	...	275,014
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,613,000	2,048,641	1,935,534	...	113,107
XXVII	Irrigation and Navigation (direct Receipts).	942,600	231,002	206,766	...	24,236
	Unproductive Public Works.					
XXIX	State Railways	196,100	20,718	51,890	31,172	...
XXX	Southern Mahratta Railway	...	...	3,306	3,306	...
XXXI	Irrigation and Navigation	140,700	23,366	24,355	989	...
XXXII	Military Works	37,700	6,302	5,070	...	1,132
XXXIII	Civil Buildings, Roads, and Services	520,600	108,449	108,990	541	...
XXXIV	Army	810,000	183,098	168,927	...	14,171
XXXV	Military Operations in Egypt	...	761	...	...	761
		70,339,200	19,846,683	19,230,862	...	615,821
	England, including Army, Public Works, &c.	221,200	79,345	70,777	...	8,568
	GRAND TOTAL	70,560,400	19,926,028	19,301,639	...	624,389

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 20th November 1884.

	Expenditure.	Estimates, 1884-85.	April 1883 to June 1883.	April 1884 to June 1884.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt †	3,798,300	920,251	947,567	27,316	...
2	Do. on other Obligations	470,300	35,164	53,335	18,171	...
3	Refunds and Drawbacks	220,400	64,412	46,662	...	17,750
4	Assignments and Compensations	1,240,100	279,331	275,678	...	3,653
5	Land Revenue	3,340,100	698,886	751,564	52,678	...
6	Opium (including cost of production)	2,352,000	958,052	1,917,706	959,654	...
7	Salt (do. do.)	521,700	110,426	109,499	...	927
8	Stamps	85,600	21,256	23,259	2,003	...
9	Excise	98,600	23,104	22,188	...	916
10	Provincial Rates	53,000	9,153	9,229	76	...
11	Customs	142,000	34,061	35,631	1,570	...
12	Assessed Taxes	13,800	2,952	2,658	...	294
13	Forests	724,000	126,461	150,006	23,545	...
14	Registration	176,500	46,788	43,071	...	3,717
15	Post Office	1,146,500	267,366	268,577	1,211	...
16	Telegraph	628,700	118,188	117,990	...	198
17	Mint	73,400	21,037	20,905	...	132
18	General Administration	1,343,200	313,577	327,974	14,397	...
19	Law and Justice	3,376,700	785,630	815,079	29,449	...
20	Police	2,793,900	649,748	657,041	7,293	...
21	Marine (including River Navigation)	381,000	82,552	76,406	...	6,146
22	Education	1,237,100	265,993	265,764	...	229
23	Ecclesiastical	167,100	37,921	40,339	2,418	...
24	Medical	722,900	174,934	175,206	272	...
25	Political	548,200	103,738	119,926	16,188	...
26	Scientific and other Minor Departments	428,600	135,245	136,746	1,501	...
27	Territorial and Political Pensions	675,300	176,420	165,235	...	11,185
28	Civil Furlough and Absentee Allowances	900	187	8,058	7,871	...
29	Superannuation Allowances and Pensions	783,900	240,425	264,255	23,830	...
30	Stationery and Printing	383,300	82,059	84,700	2,641	...
31	Miscellaneous	268,600	78,970	66,044	...	12,926
32	Famine Relief	...	213	90	...	123
33	Protective Works—Railways	1,138,600	55,700	264,737	209,037	...
34	Do. do. Irrigation	310,100	63,900	53,339	...	10,561
35	Reduction of Debt	301,300	...	...	...	...
49	Exchange on transactions with London	3,538,100	1,117,295	840,437	...	276,858
		33,483,800	8,101,395	9,156,901	1,055,506	...
	Productive Public Works.					
36	State Railways (Working Expenses)	2,027,700	436,658	504,830	68,172	...
	East Indian Railway (Working Expenses)	2,052,500	554,354	587,800	33,446	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision).	530,000	107,959	48,957	...	59,002
38	Irrigation and Navigation (Working Expenses).	562,100	118,000	135,641	17,641	...
39	Charges in respect of Capital— (c) Guaranteed Railways Interest	5,300	...	..	...	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	166,700	83,376	32,689	...	50,687
41	Do. (Working and Maintenance)	176,700	30,097	41,008	10,911	...
42	Subsidized Railways	66,200	8,144	10,512	2,368	...
	Southern Mahratta Railway	89,500	42,893	47,748	4,855	...
43	Frontier Railways	—73,000	46,611	—1'8,289	...	64,900
44	Irrigation and Navigation	752,200	185,030	154,519	...	30,511
45	Military Works	919,200	178,386	183,497	5,111	...
46	Civil Buildings, Roads, and Services	3,882,200	767,772	710,447	...	57,325
47	Army	12,121,300	2,904,775	2,992,424	87,649	...
48	Military Operations in Egypt	...	21,896	...	...	21,896
		58,762,400	13,597,346	14,598,634	1,001,338	...
	England, including Army, Public Works, Guaranteed Interest, &c.	12,993,200	3,346,506	3,619,639	273,083	...
		70,755,600	16,943,852	18,208,273	1,264,421	...
	Productive Public Works—Capital Expenditure.					
	In India—					
	State Railways	1,239,900	271,151	401,869	130,718	...
50	East Indian Railway	540,000	81,567	—10,071	...	91,638
	Irrigation and Navigation	948,300	143,114	132,829	...	10,285
51	Miscellaneous Public Improvements	...	6,871	...	...	6,871
52	In England—					
	State Railways	2,035,700	218,782	365,364	146,582	...
	East Indian Railway	...	155,062	114,028	...	41,034
	Irrigation and Navigation	500	2,257	260	...	1,997
		4,764,400	878,804	1,004,279	125,475	...
	GRAND TOTAL	75,520,000	17,822,656	19,212,552	1,389,896	...

† Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 18th November 1884.

LIABILITIES.	R	a.	p.	ASSETS.	R	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	69,44,951	0	0
Reserve Fund	41,59,296	4	4	Other authorized Investments	38,19,202	8	0
Public Deposits at Head Office (R 1,13,46,514 14 6)				Loans on Government and other authorized Securities	80,69,915	1	2
Public Deposits at Branches (R 72,19,454 1 5)	1,85,65,968	15	11	Accounts of Credit on Government and other authorized Securities	79,82,116	13	11
Other Deposits at Head Office and Branches	2,83,44,979	2	6	Bills discounted and purchased	1,51,57,074	2	10
Bank Post Bills, &c.	4,27,283	12	7	Balances with other Banks	8,46,033	11	4
Sundries	15,00,395	7	7	Bullion	28,577	12	11
				Dead Stock	11,88,612	7	4
				Stamps	9,027	0	0
				Sundries	6,29,349	6	3
					4,46,74,859	15	9
				Cash and Currency Notes at Head Office (R 1,63,55,156 12 8)	2,83,23,054	11	2
				Cash and Currency Notes at Branches (R 1,19,67,897 14 6)			
RUPEES	7,29,97,914	10	11	RUPEES	7,29,97,914	10	11

BANK OF BENGAL,
Calcutta, 20th November 1884.

J. GORDON,
Chief Accts. & Depy. Secretary.
Rate for Demand Loans 3 per cent.
Percentage 57·8.

By order of the Directors,
R. HARDIE,
Secy. & Treasurer.

Statement of Transactions of District Savings Banks and State Railway Provident Institutions for the quarter ending 31st March 1884.

PROVINCE.	Number of Banks open.	DEPOSITS. No.	DEPOSITS. Amount.	WITHDRAWALS. No.	WITHDRAWALS. Amount of Principal.	WITHDRAWALS. Amount, Interest.	BALANCE.
			R a. p.		R a. p.	R a. p.	R a. p.
India	10	1,253	66,325 14 8	390	77,877 15 6	536 4 11	5,59,111 15 9
Central Provinces	18	492	68,235 0 5	301	1,00,642 15 5	1,225 3 7	5,80,103 11 0
British Burmah	14	552	34,070 11 1	365	72,827 4 8	474 9 5	2,46,966 8 2
Assam	11	394	39,850 8 7	267	49,716 15 11	413 14 11	3,61,654 5 3
Bengal	48	2,622	2,66,413 3 10	1,636	3,59,228 5 5	2,019 3 5	26,45,346 12 6
N.-W. Provinces and Oudh	49	3,581	1,84,167 3 9	1,009	2,23,596 13 2	1,407 4 0	18,07,739 2 10
Punjab	25	766	1,20,382 11 3	520	1,53,575 10 9	1,093 14 11	10,74,027 9 2
Berar	6	171	14,536 7 4	109	24,625 1 5	323 4 6	2,13,097 7 7
State Railways	11	30,750	2,23,574 3 5	1,328	1,12,450 13 0	1,215 3 0	10,24,161 6 7
TOTAL	192	40,581	10,17,556 0 4	5,925	11,74,542 15 3	8,708 14 8	85,12,508 14 10

J. WESTLAND,
Comptroller General.

CALCUTTA,
The 20th November 1884.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON: General Treasury.	CERTIFICATES ISSUED ON: Currency Department.	BALANCE OF BULLION: Under Assay.	BALANCE OF BULLION: Assayed.	BALANCE OF BULLION: Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Nov. 10			2,89,022	19,93,430	1,42,95,880	1,30,47,665
,, 11			3,05,272	17,06,705	1,52,07,701	1,33,59,436
,, 13			1,46,102	15,69,397	1,53,56,943	1,35,08,728
,, 13			2,56,158	13,00,444	1,56,49,239	1,38,01,024
,, 14		62,711	2,85,434	1v,32,154	1,59,40,796	1,40,28,590
,, 15	1,17,134	97,715	2,92,457	8,74,728	1,62,39,528	1,42,27,611

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT,
The 19th November 1884.

CURRENCY NOTES.

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

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
12	D 17—05580	50	The District Superintendent of Police, Simla.
13	D 20—45836	100	Ghazi Din, Allahabad.

ALLAHABAD,
The 19th November 1884.

A. H. ANTHONY,
Assistant Accountant General, in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
190	P 45—28078	500	Mr. R. W. Sanderson, Foreign Office, Simla.
	P 40—03305	50	
191	P 40—60769	50	Shew Das Bissen Das, 43½ Sootaputty, Calcutta.
192	R 10—52437	100	Pran Kristo Mondul, 374 Jorasanko, Calcutta.
193	P 78—08144	1,000	Radha Kishen, Merchant, Amritsar.
194	R 10—42566	100	Bachoo Choudhri, Dulsing Sarai.
	,, —42567	100	
196	R 9—11363	100	Nundo Lall Sett, 39 Clive Street, Calcutta.
	,, —06915	100	
	,, —04976	100	
197	R 9—90650	100	The Collector of 24-Pergunnahs, Alipore.
	,, —90649	100	

CALCUTTA.
The 21st November 1884.

J. TAYLOR.
Assistant Comptroller General, in charge, Paper Currency

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
25	*E 19—56496	50	Manukchand, Shop-keeper, Amritsar.
26	†E 20—77563	100	R. W. Sanderson, Esq., Foreign Office, Govt. of India, at Oak Lodge, Simla.
	,, —84700	100	
	,, —84511	100	
	,, —84512	100	
	E 19—68245	50	
	,, —77336	50	
	,, —77337	50	

* Belonging to Agency No. 7, Amritsar.
† Belonging to Agency No. 2, Simla.

LAHORE,
The 14th November 1884.

W. H. EGERTON,
for *Depy. Commr. of Paper Currency.*

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 19th November 1884.

Abro, W. P.
Alcoss, Goffredo.
Allan, Alex.
Baker, C. W.
Bisnee, S. R.
Brandon, E. J.
Bright, T.
Brown, H. S.
Cunningham, W.
Evans, F. Bowle.
Fairtie, A. C.
Finchett, W. A.
Gonsalves, F. A.
Griffiths, S. Stanley.
Hope, Kirk.
How, B. J.
Hurbans & Co.
Kinney, T., Manager, "The Criterion."
Macdonald, J. P.
Mills, Arthur.
Minchin, C. N.
Perkins, Lieut. John D.
Pogson, Mrs. W. B.
Princep, C. E.
Psyllas, Michel G.
Rowe, C. F.
Smart, O.
Stevens, B. J. F.
Walkem, Mrs. J. W.
Watts, G. W.
Westwood, Mrs.

Letters marked "Care of Post Office."

Adda, Henry.
Amoss, Thomas.
Archdeacon of Colombo.
Armstrong, W. Cairns.
Avenel, Miss.
Bolleau, Captain H.
Bott, Fred.
Boucher, J.
Brigg, E. A.
Caurey, Captain.
C. G.
Chancellor, Miss.
Chapman, Frank.
Clift, Mrs. H. W.
Cooper, H.
DeLa Grange, Baron Louis.
Dodd, Col. C. A.
L. S. H.
Faerstermann, Ignats.
Fredalls, Soul.
Gill, F. N. G.
Gloster, Mrs.
Golding, Herbert.
Gray, John Raymond.
H. E. M.
H. M. W.
Harcourt, W. H.
Herman, J. M.
Hoskins, A. C.
Huddleston, John E.
Leslie.
Hurst, W. H.
King, W.
Lampard, Henry.
Laughlin, R. C.
Lawles, Hiram.
Lewis, H.
Locke, Henry Hover.
Lopez, E.
Macdonald, Mrs. J.
May, Mrs. Lillon.
Meij, H.
Morris, Pierce M.
Murgatroyd, C. A.
Owen, L. C.
Q. R.
Ramioh, C. V.
"Regina."
"Rex."
Sestan, S.
"Stanhope."
Stern, Edward.
Thompson, James.
T. P. H. C.
Uren, Thomas.
Wallace, Col. W. A. J.
Wilson, Theos.

Registered Letters.

Bateman, W. E.
Cherkes, Laya.
Deverill, Geo.
Forefourd, Duglass.
Gough, B. W.
Hedge, G.
Owen, Fritz Cunliffe.
Richter, Anton.
Robin, L.
Thibaud, Thomy.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 17th November 1884.

Beames, Mrs. E.
Chatterjee, Protab Chundro.
Croster, Capt.
Dalrymple, Mr.
Duncan, Staff Sergt. W.
Exe. Engr., N. Delta S. Dn.
Foley, Rev. T.
Fumer, A. B.
Kendall, Rev. W. C.
Landale, J.
Lane, C. H.
Oleamon, E. P.
Skinner, James.
Wilson, Mrs.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 22nd November 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	29th Nov.	P. & O. Str. *Kaisar-i-Hind.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	25th ,,	From Bombay.
Foreign Mails viâ Bombay	25th ,,	From Bombay.*
Do. Book Post and Pattern Packets	24th ,,	Ditto.
Rangoon and Moulmein	26th ,,	Str. *Pemba.*†
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	26th ,,	Str. *Mahratta.*

* Also for Cape Colonies through United Kingdom can be forwarded.
† Also for Port Blair can be sent by this opportunity.
N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON,
Presidency Post Master.

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	₹	a.	p.
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 29, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

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E. J. DEAN,
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AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 24th November 1884.

No. 3604.—With reference to Government of India, Military Department, Notification No. 558 of the 17th October 1884, Surgeon-Major H. D. S. Compigne, M.D., made over and 2nd Class Hospital Assistant Gulam Safdar, received, charge of the medical duties connected with the Malwa Bhil Corps and Bhopawar Agency on the afternoon of the 12th November 1884, pending the arrival of Surgeon-Major J. Duke.

By Order,
C. W. RAVENSHAW, *Capt.*,
for *1st Asst. Agent to the Govr. Genl. for Central India.*

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Ajmere, the 18th November 1884.

No. 54 *C.*—Surgeon C. Adams, of the Madras Medical Service, and Medical Officer of the Bikaneer Agency, having been pronounced unfit for duty by a Medical Board assembled at Ajmere, is permitted to proceed to Europe in anticipation of the furlough being granted to him by his own Government.

Mount Abu, the 24th November 1884.

No. 3505 *G.*—Second Class Hospital Assistant Mohomed Jan, attached to the Pali Dispensary in Jodhpore, is granted two months' privilege leave from the 30th September 1884, and 2nd Class Hospital Assistant Rungbeer Nagorecote, of the Reserve List of Hospital Assistants for Native States, is appointed to officiate during his absence

Third Class Hospital Assistant Koodrutoollah, attached to the Agency Hospital at Bickanir, is granted three months' privilege leave from the 14th September 1884.

First Class Hospital Assistant Alleemooddin, attached to the Eastern Rajputana States Agency, returned from the leave granted him in this Office Notification No. 2515 G. of the 11th August 1884, and resumed charge of his duties on the afternoon of the 4th September 1884, from Passed Medical Pupil (No. 500) Futteh Mohomed who reverted to the Reserve List of Hospital Assistants for Government employment.

Third Class Hospital Assistant (No. 392) Burjore Misre is, with the permission of the Surgeon-General with the Government of India, transferred from the service under the Jeypore Durbar to the Military Department from the 7th August 1884.

Third Class Hospital Assistant (No. 245) Brij Mohun Lall is, with the permission of the Surgeon-General with the Government of India, transferred from the Rajputana-Malwa Railway to the Military Department from the 1st September 1884.

No. 3511 *G.*—Captain F. G. Alexander, Officiating 2nd-in-Command of the Erinpura Irregular Force, returned to duty on the forenoon of the 10th November 1884, from the fifty days' privilege leave granted him in this Office Notification No. 2691 G., dated the 2nd of September 1884.

No. 3513 *G.*—Surgeon D. ff. Mullen, Medical Officer of the Meywar Agency, returned to duty on the forenoon of the 3rd November 1884, from the privilege leave granted him in this Office Notification No. 1855 G., dated 23rd June 1884.

Second Class Hospital Assistant Imdad Hoosein held medical charge of the Meywar Agency from the 3rd August to the 2nd November 1884, both days inclusive.

By Order,
W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF COORG.

NOTIFICATIONS.

Bangalore, the 19th November 1884.

No. 22.—Kongandra Mudaya, Subedar of the Padmalknad Taluk, is granted three months' leave on medical certificate, under Section 128 of the Civil Leave Code, with effect from the 9th October 1884.

2. Paragraph 1 of Notification No. 15 of the 18th October 1884, granting Mr. Mudaya one month's privilege leave, with effect from the 9th idem, is cancelled.

No. 23.—It is hereby notified, under Section 4 of Act X of 1870 (The Land Acquisition Act), that the undermentioned land is required for a public purpose by the Verajendrapet Municipality, *viz.*, for the purpose of constructing a Surgery :—

The land needed measures 690 square yards and belongs to one Nanji, of Virajendrapet. It is bounded on the north by Busamah's ground, on the east by the Cannanore road, on the south by the hospital compound, and on the west by Govinda Singh's waste land.

A plan of the land has been made and can be inspected at the Office of the President of the Virajendrapet Municipality.

By Order,
H. WYLIE, *Major*,
Secretary to the Chief Commr. of Coorg.

TELEGRAPH DEPARTMENT.

Calcutta, the 28th November 1884.

Offices reported opened and closed during the month of October 1884:—

NAMES OF STATIONS.	Where situated.	Date.	REMARKS.
	Departmental.		
Bahawalpur City	Punjab	1st	Opened.
Desangmukh	Assam	1st	Ditto.
Gonda	Oudh	1st	Ditto.
Goragali	Punjab	4th	Ditto.
Grant's Buildings	Bombay	1st	Ditto.
Gujrat City	Punjab	1st	Ditto.
Jandiala City	Ditto	25th	Ditto.
Jessore	Bengal	11th	Ditto.
Jhang	Punjab	27th	Ditto.
Kamalia	Ditto	25th	Ditto.
Karachi City	Sind	8th	Ditto.
Mahableshwar	Bombay Presidency.	1st	Ditto.
Matheran	Ditto	1st	Ditto.
Moopoon	Suburbs of Moulmein.	23rd	Ditto.
Murwara	Central Provinces	Sep. 25th	Ditto.
Okpo	British Burma	Oct. 14th	Ditto.
Pakpattan	Punjab	28th	Ditto.
Sadarghat	Suburbs of Chittagong.	27th	Ditto.
	Railway Offices.		
Bara Gudah	Rewari-Ferozepore State Railway.	Oct. 1st	Ditto.
Bhatnida			
Faridkot			
Ferozepore			
Golewalah			
Goniana			
Jaitu			
Kalanwali			
Kotkapura			
Raman			
Shergarh			
Banawar	Tumkur State Railway.	Aug. 11th	Ditto.
Dodbeli			
Golhalli			
Hirehulli			
Baheri	Rohilkhund-Kumaon State Railway.	Oct. 1st	Ditto.
Bareilly City			
Bhojeepura Junction.			
Deorania			
Huldwani			
Katgodam			
Kichha			
Lalkua			
Damukdea	Northern Bengal State Railway.	14th	Closed.
Narculdangah	Eastern Bengal State Railway.	7th	Ditto.
Dhainpur	Oudh and Rohilkhund Railway.	1	Opened.
Khanth			
Mogulpur			
Nagina			
Purnini			
Sahispur			
Seohara			

A. J. LEPPOC CAPPEL.
Director General of Telegraphs in India.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 13th November 1884.

No. 58.—Deputy Commissary and Honorary Lieutenant C. Atkinson, Assistant Engineer, on return from furlough, is posted to Biluchistan Circle.

The 17th November 1884.

No. 59.—Lieutenant J. G. Lutyens, R.E., Assistant Engineer, 2nd Grade, passed the examination laid down in Chapter II, paragraphs 16—18, of the Public Works Department Code, for promotion to Assistant Engineer, 1st Grade, on the 1st November 1884.

The 20th November 1884.

No. 60.—Lieutenant H. F. Kelly, R.E., Assistant Engineer, 2nd Grade, passed the examination laid down in Chapter II, paragraphs 16—18, of the Public Works Department Code, on the 25th October 1884.

J. J. McLEOD INNES, *Colonel, R.E.*,
Inspr. Genl. of Military Works.

Presidency and Oudh Command.

Lucknow, the 21st November 1884.

No. 5.—With reference to the Inspector General of Military Works' Notification No. 49, dated the 29th October 1884, Major G. D'A. Jackson, G.L.C., Executive Engineer, 3rd Grade, has been posted to the Barrackpore Division, Military Works, which he joined on the afternoon of the 12th November 1884.

W. L. GREENSTREET, *Major, R.E.*,
Supdg. Engr., Presdy. & Oudh Command, Military Works.

SOUTHERN MAHRATTA RAILWAY.

NOTICE.

Poona, the 15th November 1884.

Tenders are invited for the supply at Bellary of the following bridge-timbers of thoroughly seasoned sound teak, sawn and square, to be straight, free from cracks, knots, and flaws. The timber will be inspected and passed in Bombay or Bellary.

Prices to include cost of carriage to Bellary.

836 pieces 13′ 6″ × 8″ × 6″
836 „ 13′ 6″ × 8″ × 5½″
836 „ 13′ 6″ × 8″ × 5″

Tenders to be addressed to the Chief Engineer, Southern Mahratta Railway, Poona, on or before 27th November.

One-third of the timber of each size to be delivered at Bellary by 1st January 1885, and the remainder before 31st January 1885.

Report of a Deserter from the Detachment, 1st Battalion, Royal Welsh Fusiliers, dated at Barrackpore, this 25th day of November 1884.

Number, Rank, and Name,—No. 1979, Private Francis Ruddigan.	At what Place Enlisted,—Enniskillen, Ireland.
Age,—24 years.	Parish and County in which Born,—Drumrielly, Ireland.
Size,—5 feet 8¾ inches.	Marks,—Scar on right knee.
Colour of—Complexion, dark; Hair, black; Eyes, blue.	Trade,—Labourer.
Date of Desertion,—24th November 1884.	Coat or Jacket,—Regimental serge.
Place of Desertion,—Barrackpore.	Waistcoat,—None.
Date of Enlistment,—29th June 1878.	Breeches or Trowsers,—Regimental serge.
	REMARKS,—Supposed to have embarked on boardship at Calcutta.

R. A. W. COLLETON, *Lieut.*,
Comdg. Dett., 1st Battn., Royal Welsh Fusiliers.

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878) that, on 13th October 1884, treasure consisting of the undermentioned property was found by Madiga Kollarigadu, in the soil near a channel at Chalkur, Penukonda Taluk, Anantapur District, Madras Presidency :—

List of Property.	*Approximate Value.* ₹ a. p.
1 Silver girdle	12 10 0
4 Silver hollow bangles	12 8 0
1 Silver anklet 2 Silver pieces of anklet	7 10 0
TOTAL	32 12 0

All persons claiming the said treasure or any part thereof are required to appear personally or by agent before the Collector of Anantapur, on 15th April 1885, for the matter being enquired into and determined in accordance with the provisions of the said Act.

———————,
for *Collector.*

ANANTAPUR COLLECTOR'S OFFICE,
The 15th November 1884.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that on the 14th October 1884, treasure consisting of 133 gold coins called "Aparanji Roocalu" and weighing 2½ tolas, and valued at ₹40, was found in an unoccupied and unclaimed house site in the village of Mandapalle, in Pullampett Taluk.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Cuddapah, at his office, at 11 A.M., on the 1st June 1885, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

———————,
Actg. Collector.

CUDDAPAH COLLECTOR'S OFFICE,
The 22nd November 1884.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th November 1884.

PARTICULARS.	3½ PER CENT. TRANSFER LOAN OF 1863-64.	4 PER CENT. LOANS							4½ PER CENT. LOANS								GRAND TOTAL.
		Of 1854-55.	Of 1856-57.	Of 1862-63.	Of 1866-67.	Transfer Loan of 1879, 4 per cent. Portion.	Reduced 4 per cent. Loan of 1879.	TOTAL.	Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	TOTAL.	TRANSFER LOAN OF 1879, SEVEN SHILLINGS PER CENT. PORTION.	5 PER CENT. LOAN OF 1866-67.			
	R	R	R	R	R	R	R	R	R	R	R	R	R	R			R
Balance of 31st October 1884	54,100	99,35,600	27,86,400	13,36,863					45,89,800	95,45,300	10,18,09,300	11,59,44,400	1,24,500	32,700			20,84,00,580
Add—																	
Amount enfaced at Madras between 1st and 15th November 1884							1,500	1,500			1,500	1,500					1,500
Amount enfaced at Bombay between 1st and 15th November 1884			3,000					3,000		12,000	1,27,000	1,39,000					1,58,000
Amount enfaced at Calcutta between 1st and 15th November 1884		6,400	62,000	10,300				78,700		5,000	1,72,500	1,77,500					3,53,400
	54,100	99,34,600	26,90,400	13,26,563				79,51,663	45,89,800	95,62,300	10,21,10,300	11,62,62,400	1,24,500	32,700			20,89,11,490
Deduct—																	
Amount written off in the London Registers			24,300					24,300			73,300	1,18,400	500				9,98,500
Balance on 15th November 1884	54,100	99,34,600	26,66,100	13,26,563				79,27,363	45,89,800	95,62,300	10,20,37,000	11,61,44,000	1,24,000	32,700			20,79,14,990

NOTE.—From 9th June 1867 to 15th Sept. 1884, enfaced from India 5,037 lakhs; re-transferred from London 4,317 lakhs.

,,	16th Sept. 1884 to 30th	,, ,,	7 ,,
,,	1st Oct. ,, to 15th Oct.	,, ,,	10 ,,
,,	16th ,, ,, to 31st ,,	,, ,,	4 ,,
,,	1st Nov. ,, to 15th Nov.	,, ,,	5 ,,
			6,063 lakhs.
			4,241 ,,
Balance against India			1,822 ,,

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL,
Calcutta, the 19th November 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 25th November 1884.

LIABILITIES.	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,296	4	4
Public Deposits at Head Office	68,81,543	3	0	1,41,58,786	11	1
Public Deposits at Branches	72,77,243	8	1			
Other Depcsits at Head Office and Branches				3,09,52,275	3	3
Bank Post Bills, &c.				3,59,991	2	1
Sundries				15,39,351	4	0
RUPEES				7,11,69,700	8	9

ASSETS.	R	a.	p.	R	a.	p.
Government Securities				71,20,238	0	0
Other authorized Investments				38,36,882	8	0
Loans on Government and other authorized Securities				76,55,797	11	3
Accounts of Credit on Government and other authorized Securities				78,70,812	2	2
Bills discounted and purchased				1,45,26,634	12	1
Balances with other Banks				8,86,333	12	2
Bullion				28,577	12	11
Dead Stock				11,88,431	11	5
Stamps				9,223	4	0
Sundries				6,29,400	13	3
				4,37,52,332	7	3
Cash and Currency Notes at Head Office	1,47,57,028	11	1	2,74,17,368	1	6
Cash and Currency Notes at Branches	1,26,60,339	6	5			
RUPEES				7,11,69,700	8	9

BANK OF BENGAL,
Calcutta, 27th November 1884.

J. GORDON,
Chief Accts. & Depy. Secretary.
Rate for Demand Loans 3 per cent.
Percentage 58·2.

By order of the Directors,
R. HARDIE,
Secy. & Treasurer.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Nov. 17	,,	1,96,988	2,75,409	6,16,880	1,68,20,810	1,46,69,179
,, 18	,,	1,55,858	2,66,747	5,65,660	1,66,93,311	1,44,59,003
,, 19	,,	2,12,169	2,47,400	1,33,221	1,68,46,018	1,44,66,209
,, 20	2,361	1,86,979	11,455	1,24,734	1,67,57,718	1,43,07,073
,, 21	,,	1,93,713	1,54,403	7,805	1,68,84,790	1,43,37,499
,, 22	,,	1,94,175	406	7,433	1,66,85,204	1,40,39,775

R. V. RIDDELL, *Major, R.E.*,
Mint Master.

CALCUTTA MINT.
The 25th November 1884.

CURRENCY NOTES.

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

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
199	P 10—63067	100	Sarupchunder Sikdar, 32, Nundo Ram Sen's Lane, Hautkhola, Calcutta.
200	P 40—63499	50	Shaik Gul Mahomed, 143, Cotton Street, Burro Bazar, at Meran Meah's Kotee, Calcutta.
	,, —63498	50	
	,, —65452	50	
	,, —65449	50	

CALCUTTA.
The 28th November 1884.

J. TAYLOR,
Assistant Comptroller General,
in charge, Paper Currency.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
32	B 84—75764	100	Post Master General, Madras.
	,, —75765	100	

FORT ST. GEORGE.
The 17th November 1884.

W. T. PERCY,
Offg. Asst. Accountant Genl.,
In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 21st November 1884.

No. 9447.—Mr. G. J. Hynes, Assistant Director General of the Post Office, is granted three months' privilege leave, with effect from 18th November, under Section 138 of the Civil Leave Code.

P. SHERIDAN,
for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 27th November 1884.

Abro, W. P.
Biasco, S. R.
Brandon, E. J.
Bright, T.
Cameron, George.
Foster, Miss E.
Griffiths, Stanley.
Hamilton, T.
Hendrick, Miss Maggie C.
How, E. J.
Locken, H. W.
Macdonald, J. P.
Marooth, A.
Minskin, C. N.
Nicoss, Gulredo.
Perkins, Lieut. John F.
Petrie, D. Robert.
Pogson, Mrs. W. R.
Ricksby, Thomas.
Scott, A.

Letters marked "Care of Post Office."

Adda, Henry.
Alexander, D. D.
Amoss, Thomas.
Archdeacon of Colombo.
Armstrong, W. Cairns.
Boileau, Captain H.
Bott, Fred.
Brigg, E. A.
Caurey, Captain, C. G.
Chancellor, Miss.
Chapman, Frank.
Clift, Mrs. H. W.
Cooper, H.
DeLa Grange, Baron Louis.
Faerstermann, Ignatz.
Gill, F. N. G.
Gloster, Mrs.
Golding, Herbert.
Gray, John Raymond.
H. E. M.
H. M. W.
Harcourt, W. H.
Harman, J. M.
Hoskins, A. C.
Huddleston, John E. Leslie.
Hurst, W. H.
King, W.
Lampard, Henry.
Laughlin, R. C.
Lawless, Hiram.
Lewis, H.
Lee, Miss C.
Loges, E.
Macdonald, Mrs. J.
Meij, H.
Morris, Pierce M.
Murgatroyd, C. A.
Owen, L. C. Q. R.
Ramioh, C. V.
"Regina."
"Rex."
Roberts, John Herbert.
Robertson, W.
Rustomjee, S.
Sestan, S.
"Stanhope."
Stern, Edward.
Thompson, James.
T. P. H. C.
Thrussell, A.
Tighe, James.
Wackerbarth, C.
Wilson, Theos.

Registered Letters.

Bateman, W. E.
Burgess, R.
Cherkes, Laya.
Deverill, Geo.
Forefourd, Duglass.
Gedge, G.
Harrison, Lieut. E. B.
Thibaud, Thomy.
Whitchello, R.

E HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 17th November 1884.

Beames, Mrs. E.
Chatterjee, Protab Chuadro.
Croster, Capt.
Dalrymple, Mr.
Duncan, Staff Sergt. W.
Exe. Engr., N. Delta S. Dn.
Foley, Rev. T.
Fumer, A. B.
Kendall, Rev. W. C.
Landale, J.
Lane, C. H.
Olesmon, E. P.
Skinner, James.
Wilson, Mrs.

A. P. GHOSAL,
Postmaster, Barrackpore.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during the month of December 1884:—

DATE OF CLOSING.	ROUTE.
5th December 1884	By French Steamer.
9th December 1884	By P. & O. Steamer from Bombay.
9th December 1884*	By B. I. S. N. Co.'s private vessel.
13th December 1884	By P. & O. Steamer from Calcutta.
22nd December 1884*	By Star Line private vessel.
23rd December 1884	By P. & O. Steamer from Bombay.
23rd December 1884*	By B. I. S. N. Co.'s private vessel.
27th December 1884	By P. & O. Steamer from Calcutta.

* These dates are subject to alteration in the event of departure of the vessel being delayed.

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

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (prepayment compulsory).

The postage on letters conveyed by the P. & O. and French steamers is three (3) annas per ½ oz. (prepayment optional).

The 29th November 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1884.	
Madras and Ceylon	29th Nov.	P. & O. Str. *Kaisar-i-Hind.*
Foreign Mails *vid* Bombay	2nd Dec.	From Bombay.
Do. Book Post and Pattern Packets	1st ,,	From Bombay.
Rangoon and Moulmein	3rd ,,	Str. *Khandalla.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	3rd ,,	Str. *Coconada.*
Madras, Ceylon, Batavia, Singapore, and China	5th ,,	French Str. *Tibre.*

* Also for Cape Colonies through United Kingdom; also *vid* Aden for Zanzibar, Lamoo, Mombaza, Kilwakivinjee, Lindi, Mozambique, Delagoa Bay, and Cape Colonies can be forwarded.

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

E. HUTTON,
Presidency Post Master.

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At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices specified below:—

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Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
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Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates	2	0	0
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates	2	8	0
Rainfall Chart of India showing the average annual distribution of rainfall (in colors)	0	8	0
Rainfall Map of India (in two sheets, scale 64 miles to the inch), showing the annual distribution of rainfall (in colors)	3	0	0
Register of Original Observations of six stations in India for 1879, corrected and reduced	2	8	0
Register of Original Observations of six stations in India for 1880, corrected and reduced	2	8	0
Register of Original Observations of six stations in India for 1881, corrected and reduced	2	8	0
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HENRY F. BLANFORD,
Meteorological Reporter to the Government of India.

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Sheet No. 4.
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PART II.

Notifications by High Court, Comptroller General, &c.

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NOTICE.

The 25th October 1884.

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HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 3rd December 1884.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal **has appointed Edward Luke Vail, the younger, Esquire, of No. 46, Collin's Street, East, and William Carter Smith, Esquire, of No. 88, Collin's Street, West, in the City of Melbourne,** in the Colony of Victoria, Solicitors, Commissioners, within all parts of the Colony of Victoria, for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

By Order,
R. BELCHAMBERS,
Registrar.

BANK OF BENGAL.

NOTICE.

Calcutta, the 1st December 1884.

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

Mr. F. A. Gillam, on his return from leave, has resumed charge of the Rangoon Branch, and Mr. A. M. Lindsay has reverted to his substantive appointment of Agent at Akyab.

R. HARDIE,
Secretary & Treasurer.

No. 1730.—*Account of Revenue and Expenditure of the Government of India for the first four months of the year 1884-85, as compared with the corresponding period of 1883-84.*

N.B.—Amounts are converted into sterling at ₹10 to the pound sterling.

	Revenue.	Estimates, 1884-85.	April 1883 to July 1883.	April 1884 to July 1884.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
I	Land Revenue *	22,396,600	7,315,122	7,133,811	...	181,311
II	Opium	8,594,200	3,078,493	2,767,934	...	310,559
III	Salt	6,328,900	2,088,939	2,187,139	98,200	...
IV	Stamps	3,533,000	1,239,398	1,280,988	41,590	...
V	Excise	3,796,900	1,260,966	1,339,989	79,023	...
VI	Provincial Rates	2,740,300	985,799	928,292	...	57,507
VII	Customs	1,289,500	420,085	341,213	...	78,872
VIII	Assessed Taxes	518,100	360,644	363,843	3,199	...
IX	Forest	1,052,000	236,546	215,988	...	20,558
X	Registration	265,600	107,597	104,122	...	3,475
XI	Tributes from Native States	695,900	142,570	159,137	16,567	...
XII	Post Office	1,059,000	336,486	356,578	20,092	...
XIII	Telegraph	547,700	145,682	145,421	...	261
XIV	Mint	102,200	16,240	43,933	27,693	...
XV	Law and Justice	617,900	171,726	157,997	...	13,729
XVI	Police	308,800	96,757	99,232	2,475	...
XVII	Marine	205,900	45,690	40,283	...	5,407
XVIII	Education	198,700	66,491	60,486	...	6,005
XIX	Medical	46,100	15,775	12,618	...	3,157
XX	Scientific and other Minor Departments.	75,700	15,706	17,468	1,762	...
XXI	Interest	643,100	217,101	219,302	2,201	...
XXII	Receipts in aid of Superannuation, &c.	194,200	41,344	43,664	2,320	...
XXIII	Stationery and Printing	53,000	13,108	13,010	...	98
XXIV	Miscellaneous	248,300	64,246	83,177	18,931	...
		55,511,600	18,482,511	18,115,625	...	366,886
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,716,900	1,081,009	1,151,297	70,288	...
	East Indian Railway (Gross Earnings).	4,850,000	1,859,063	1,473,727	...	385,276
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,613,000	2,154,475	2,105,307	...	49,168
XXVII	Irrigation and Navigation (direct Receipts).	942,600	354,385	366,153	11,768	...
	Unproductive Public Works.					
XXIX	State Railways	196,100	39,245	70,589	31,344	...
XXX	Southern Mahratta Railway	...	...	3,824	3,824	...
XXXI	Irrigation and Navigation	140,700	37,145	36,517	...	628
XXXII	Military Works	37,700	9,862	8,855	...	1,007
XXXIII	Civil Buildings, Roads, and Services	520,600	140,478	166,552	26,074	...
XXXIV	Army	810,000	243,015	223,029	...	19,986
XXXV	Military Operations in Egypt	...	861	...	...	861
		70,339,200	24,401,989	23,721,475	...	680,514
	England, including Army, Public Works, &c.	221,200	90,831	91,226	395	...
	GRAND TOTAL	70,560,400	24,492,820	23,812,701	...	680,119

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 4th December 1884.

	Expenditure.	Estimates, 1884-85.	April 1883 to July 1883.	April 1884 to July 1884.	Comparison of two years. Increase.	Comparison of two years. Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt †	3,798,300	1,144,294	1,153,947	9,653	...
2	Do. on other Obligations	470,300	51,985	62,732	10,747	...
3	Refunds and Drawbacks	220,400	90,074	64,953	...	25,121
4	Assignments and Compensations	1,240,100	325,461	322,868	...	2,593
5	Land Revenue	3,340,100	1,006,779	1,085,028	78,249	...
6	Opium (including cost of production)	2,352,000	982,812	1,933,425	950,613	..
7	Salt (do. do.)	521,700	154,060	152,322	...	1,738
8	Stamps	85,600	28,646	31,104	2,458	...
9	Excise	98,600	30,696	31,248	552	...
10	Provincial Rates	53,000	19,835	18,765	...	1,070
11	Customs	142,000	45,467	47,246	1,779	...
12	Assessed Taxes	13,800	4,718	4,092	...	626
13	Forests	724,000	166,931	192,015	25,084	...
14	Registration	176,500	63,815	58,717	...	5,098
15	Post Office	1,146,500	374,578	358,912	...	15,666
16	Telegraph	628,700	153,539	156,997	3,458	...
17	Mint	73,400	26,978	26,554	...	424
18	General Administration	1,343,200	424,545	438,473	13,928	...
19	Law and Justice	3,376,700	1,054,498	1,086,244	31,746	...
20	Police	2,793,900	885,492	904,141	18,649	...
21	Marine (including River Navigation)	381,000	111,185	104,467	...	6,718
22	Education	1,237,100	360,624	365,565	4,941	...
23	Ecclesiastical	167,100	51,358	53,886	2,528	...
24	Medical	722,900	233,212	234,255	1,043	...
25	Political	548,200	137,844	153,651	15,807	...
26	Scientific and other Minor Departments	428,600	171,227	175,145	3,918	...
27	Territorial and Political Pensions	675,800	228,476	217,132	...	11,344
28	Civil Furlough and Absentee Allowances	900	219	8,205	7,986	...
29	Superannuation Allowances and Pensions	783,900	291,660	317,415	25,755	...
30	Stationery and Printing	383,300	114,628	114,984	356	...
31	Miscellaneous	268,600	99,133	92,026	...	7,107
32	Famine Relief	...	3,233	111	...	3,122
33	Protective Works—Railways	1,138,600	70,971	347,950	276,979	...
34	Do. do. Irrigation	310,100	77,726	71,504	...	6,222
35	Reduction of Debt	301,800	...	...	...	...
36	Exchange on transactions with London	3,538,100	1,864,465	1,095,747	...	268,718
		33,483,800	10,346,164	11,451,826	1,183,662	...
	Productive Public Works.					
36	State Railways (Working Expenses)	2,027,700	575,409	663,451	88,042	...
	East Indian Railway (Working Expenses)	2,052,500	687,350	718,055	30,705	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision).	530,000	113,759	57,973	...	55,786
38	Irrigation and Navigation (Working Expenses).	562,100	166,109	187,995	21,886	...
39	Charges in respect of Capital— (c) Guaranteed Railways Interest	5,800	2,891	2,466	...	425
	Unproductive Public Works.					
40	State Railways (Capital Account)	166,700	96,728	46,557	...	50,171
41	Do. (Working and Maintenance)	176,700	38,844	53,681	14,837	...
42	Subsidized Railways	66,200	10,164	13,823	3,659	...
	Southern Mahratta Railway	89,500	42,893	49,045	6,152	...
43	Frontier Railways	—73,000	59,788	—13,043	...	72,831
44	Irrigation and Navigation	752,200	247,646	216,081	...	31,565
45	Military Works	919,200	252,439	251,778	..	661
46	Civil Buildings, Roads, and Services	3,882,200	1,094,190	981,718	...	112,472
47	Army	12,121,300	3,868,254	3,972,571	104,317	...
48	Military Operations in Egypt	...	30,637	...	...	30,637
		56,762,400	17,635,265	18,683,977	1,048,712	...
	England, including Army, Public Works, Guaranteed Interest, &c.	13,993,200	5,670,670	5,892,061	221,391	...
		70,755,600	23,305,935	24,576,038	1,270,103	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,239,900	328,195	547,494	219,299	...
	East Indian Railway	540,000	111,542	36,806	...	74,736
51	Irrigation and Navigation	948,800	197,216	183,956	...	13,260
52	Miscellaneous Public Improvements	...	9,702	...	...	9,702
	In England—					
	State Railways	2,035,700	270,092	1,266,606	996,514	...
	East Indian Railway	...	196,837	127,368	...	69,469
	Irrigation and Navigation	500	2,257	260	...	1,997
		4,764,400	1,115,841	2,162,490	1,046,649	...
	GRAND TOTAL	75,520,000	24,421,776	26,738,528	2,316,752	...

† Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

TELEGRAPH DEPARTMENT.

Calcutta, the 4th December 1884.

Offices reported opened and closed during the month of November 1884:—

NAMES OF STATIONS.	Where situated.	Date.	REMARKS.
	Departmental.		
Asirgarh	Central Provinces	21st	Opened.
Bhuddruck	Bengal	6th	Ditto.
Chandbali	Ditto	24th	Ditto.
Gurkhai	Beluchistan	1st	Closed.
Hathras City	North-Western Provinces.	30th	Opened.
Jalgaon	Bombay Presidency.	21st	Ditto.
Malkapur	Berar	29th	Ditto.
Muttra	North-Western Provinces.	3 th	Ditto.
Myitta	British Burmah.	1st	Ditto.
Ranikhet Cantonment.	North-Western Provinces.	22nd	Closed.
Shahjahanpur Cantonment.	Ditto	0th	Opened.
Shahjahanpur City	Ditto	28th	Ditto.
Shegaon	Central Provinces	29th	Ditto.
Shikarighat	Assam	1st	Ditto.
Solon	Punjab	15th	Closed.
Sonapur	Assam	17th	Opened.
Wardha	Central Provinces	18th	Ditto.
	Railways, &c.		
Dibrugarh Cantonment.	Assam Railway	22nd	Closed.
Luckermundi	Bengal and North-Western Railway.	29th	Opened.
Chogdah	Dacca-Mymensingh Railway.	20th	Ditto.
Jutur, Nundial, Kauli	Kurnool-Cuddapah Canal.	20th	Ditto.
Patiala	Patiala Railway	1st	Ditto.

A. J. LEPPOC CAPPEL.
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 27th November 1884.

No. 3646.—With reference to Foreign Department No. 2254 G., dated the 18th instant, Lieutenant M. J. Meade surrendered, and Captain C. W. Ravenshaw assumed, charge of the duties of 2nd Assistant to the Governor General's Agent in Central India, on the forenoon of the 24th idem.

By Order,
D. ROBERTSON, *Captain,*
1st Asst. to the Agent Govr. Genl. for Central India.

No. 3649.—The undermentioned 2nd Class Hospital Assistant passed his English Qualification examination according to the test laid down in G. G. O. No. 955 of 1868 on the date specified against his name:—

Name	Date of Rank.	Date of passing English Qualification Examination.
Sheo Pershad	21st Feb. 1876	11th Nov. 1884

By Order,
C. W. RAVENSHAW, *Captain,*
for *1st Asst. Agent to the Govr. Genl. for Central India.*

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Abu, the 27th November 1884.

No. 3530 *G.*—With reference to Foreign Department Notification No. 2219 G., dated the 14th of November 1884, Lieutenant C. E. Hodgson, Officiating Wing Officer, Meywar Bhil Corps, is granted privilege leave from the 15th of June to the 12th of August 1884, both days inclusive.

The 28th November 1884.

No. 3553 *G.*—Surgeons-Major J. H. Newman and L. D. Spencer, respectively, delivered over and received charge of the Office of Surgeon to the Rajputana Agency and Superintendent General of Dispensaries and Vaccination in Rajputana, on the forenoon of the 22nd of November 1884.

No. 3556 *G.*—Brevet Lieutenant-Colonel A. Conolly, Commandant, Meywar Bhil Corps, and Political Superintendent, Hilly Tracts, Meywar, returned from the ninety days' privilege leave granted him in this Office Notification No. 2721G., dated the 4th of September 1884, and resumed charge of his duties from Lieutenant G. A. Collins, Officiating 2nd-in-Command, Meywar Bhil Corps, and Officiating 2nd Assistant to the Resident in Meywar, on the afternoon of the 6th of November 1884.

By Order,
W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

Camp Mysore, the 25th November 1884.

No. 24.—Mr. Kongandra Ganapathy, Acting 2nd Assistant Commissioner of Coorg, is invested with the powers of a Magistrate of the 1st Class under Section 12 of the Code of Criminal Procedure.

By Order,
H. WYLIE, *Major,*
Secretary to the Chief Commr. of Coorg.

Statement of Transactions of District Savings Banks and State Railway Provident Institutions for the quarter ending 30th June 1884.

PROVINCE.	Number of Banks open.	DEPOSITS. No.	DEPOSITS. Amount.	WITHDRAWALS. No.	WITHDRAWALS. Amount of Principal.	WITHDRAWALS. Amount, Interest.	BALANCE.
			℟ a. p.		℟ a. p.	℟ a. p.	℟ a. p.
India	10	1,196	66,807 15 2	299	48,784 13 11	11 3 5	5,77,135 1 0
Central Provinces	18	468	72,324 15 5	297	68,194 13 1	13 6 11	5,84,533 13 4
British Burmah	14	521	43,283 4 8	200	45,516 2 9	17 2 0	2,44,733 10 1
Assam	11	469	45,667 5 6	201	21,072 3 8	12 3 6	3,86,249 7 1
Bengal	48	2,752	3,09,631 12 0	1,544	2,92,886 10 10	184 6 10	26,62,091 13 8
N.-W. Provinces and Oudh	49	3,724	2,12,730 0 8	1,099	1,97,478 4 8	125 10 3	18,22,991 9 0
Punjab	25	818	1,25,060 12 6	494	1,39,278 4 2	75 12 8	10,59,810 1 6
Berar	6	146	14,979 3 10	105	24,026 3 11	25 5 8	2,04,050 7 6
State Railways	11	8,023	46,992 11 0	376	34,288 12 8	23 5 0	10,36,865 4 11
TOTAL	192	18,117	9,37,478 0 9	4,615	8,71,526 5 8	488 8 3	85,78,461 4 1

J. WESTLAND,
Comptroller General.

CALCUTTA,
The 2nd December 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 2nd December 1884.

LIABILITIES.	℟	a.	p.	℟	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,296	4	4
Public Deposits at Head Office	69,80,569	9	1			
Public Deposits at Branches	76,24,239	7	10	1,46,04,809	0	11
Other Deposits at Head Office and Branches				3,17,92,255	3	4
Bank Post Bills, &c.				2,99,567	13	6
Sundries				15,55,362	5	5
RUPEES				7,24,11,290	11	6

ASSETS.	℟	a.	p.	℟	a.	p.
Government Securities				73,67,738	0	0
Other authorized Investments				38,05,425	0	0
Loans on Government and other authorized Securities				77,91,307	7	10
Accounts of Credit on Government and other authorized Securities				79,50,636	10	0
Bills discounted and purchased				1,47,11,171	3	1
Balances with other Banks				7,65,540	9	1
Bullion				28,160	14	11
Dead Stock				11,91,998	8	9
Stamps				8,751	10	0
Sundries				6,28,645	8	6
				4,42,49,375	8	2
Cash and Currency Notes at Head Office	1,56,85,064	2	11	2,81,61,915	3	4
Cash and Currency Notes at Branches	1,24,76,851	0	5			
RUPEES				7,24,11,290	11	6

BANK OF BENGAL,
Calcutta, 4th December 1884.

J. GORDON,
Chief Accts. & Depy. Secretary.
Rate for Demand Loans 3 per cent.
Percentage 58·3.

By order of the Directors,
R. HARDIE,
Secy. & Treasurer.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Presidency and Oudh Command.

Lucknow, the 28th November 1884.

No. 6.—With reference to this Office Notification No. 5, dated the 21st November 1884, Major G. D'A. Jackson, G.L.C., Executive Engineer, 3rd Grade, took over charge of the Barrackpore Division, Military Works, from Captain N. Arnott, R.E., Executive Engineer, 1st Grade, sub. *pro tem.*, on the afternoon of the 24th November 1884.

W. L. GREENSTREET, *Major, R.E.,*
Supdg. Engr., Presdy. & Oudh Command, Military Works.

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

DATE	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON: General Treasury.	CERTIFICATES ISSUED ON: Currency Department.	BALANCE OF BULLION: Under Assay.	BALANCE OF BULLION: Assayed	BALANCE OF BULLION: Held on account of the Currency Department.
1884.	℟	℟	℟	℟	℟	℟
Nov. 24		1,56,776		7,423	1,64,85,204	1,38,80,820
„ 25	1,918	1,37,626	2,447	7,008	1,63,87,704	1,37,42,595
„ 26		1,83,869	1,313	2,109	1,61,89,085	1,35,56,820
„ 27		1,90,554		2,109	1,59,89,085	1,33,63,376
„ 28		2,08,849		2,109	1,58,89,085	1,31,49,285
„ 29				2,109	1,58,89,085	1,31,49,285

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 2nd December 1884.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 5th December 1884.

No. 78.—Mr. W. Drew, Assistant Engineer, 2nd Grade, passed, on 15th November 1884, the Professional Examination prescribed in Public Works Department Code, Chapter II, Section I, paras. 16 to 18.

No. 79.—Mr. P. H. Cresswell, Assistant Engineer, 1st Grade, is, on return from furlough, posted to the Jhansi-Manickpore State Railway.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

SOUTHERN MAHRATTA RAILWAY.

NOTICE.

Poona, the 15th November 1884.

Tenders are invited for the supply at Bellary of the following bridge-timbers of thoroughly seasoned sound teak, sawn and square, to be straight, free from cracks, knots, and flaws. The timber will be inspected and passed in Bombay or Bellary.

Prices to include cost of carriage to Bellary.

836 pieces 13′ 6″ × 8″ × 6″
836 „ 13′ 6″ × 8″ × 5½″
836 „ 13′ 6″ × 8″ × 5″

Tenders to be addressed to the Chief Engineer, Southern Mahratta Railway, Poona, on or before 27th November.

One-third of the timber of each size to be delivered at Bellary by 1st January 1885, and the remainder before 31st January 1885.

CURRENCY NOTES.

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

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1884.		R	
W42	M 75—57743	100	Mansukh Ganeshji, Kaira.
W43	M 75—73565	100	Bapuji Bhikaji, Bombay.
	„ —55460	100	
	„ —02098	100	
W44	M 75—34732	100	Anandrao Shrikrishna, Bombay.
	„ —21842	100	

BOMBAY,
The 2nd December 1884.

R. A. STERNDALE,
Asst. Acott. Genl., Paper Currency Dept.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
202	R 10—76905	100	Inspector W. Connors, Fenwick Bazar Thanah, Calcutta.
	„ —76906	100	
	„ —76907	100	
	„ —76908	100	
203	P 45—46972	500	Sunker Das Mousha Ram Johuri, 10, Khongraputty, Calcutta.
204	R 10—79694	100	Mr. R. M. Beale, Engineer, Government Dockyard, Kidderpore.
205	P 76—33092	100	Babu Raj Kissen Pramanik, Santipore.
206	R 9—28641	100	Babu Anandachandra Chatterjee, 83, Cornwallis Street, Calcutta.
	R 10 78173	100	
	„ —02335	100	

CALCUTTA,
The 5th December 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 4th December 1884

Cameron, George.	Hume, Allan.	Naurse, H.
DeCruze, Edwin H.	Locken, H. W.	Owen, C. M.
Foster, Miss E.	Ludovice, F. W.	Ricksby, Thomas.
Gallwey, C. H.	May, Miss.	Stark, Morris & Co
Goldinberg, Adolfe.	McEintack, John.	Turner, R. A.
Hendrick, Miss Maggie C.	Mitchell, Robert.	Young, T. G.

Letters marked "Care of Post Office."

Adda, Henry.	H. E. M.	Morris, Pierce M.
Alexander, D. D.	H. M. W.	Margatroid, C. A.
Amoss, Thomas.	Harcourt, W. H.	Nowopolski, O.
Archdeacon of Colombo.	Herman, J. M.	Owen, L. C.
Boileau, Captain H.	Huddleston, John B.	Q. R.
Bott, Fred	Leslie.	Psyllas, Michel G.
Brigg, E. A.	Hull, W.	Ramioh, C. V.
Causey, Captain.	Hurst, W. H.	Rathbone, Herbert P.
C. G.	Jones, Evan.	"Rex."
Chalmder, N. G.	King, W.	Roberts, John Herbert.
Chancellor, Miss.	Lampard, Henry.	Robertson, W.
Chapman, Frank	Laughlin, R. C.	Sestan, S.
Cliff, Mrs. H. W.	Lawless, Hiram.	"Stanhope."
Dela Grange, Baron Louis.	Lewis, H.	Stern, Edward.
Faerstermann, Ignatz.	Lewis, Roberts & Davies.	Thompson, James.
French, F. E.	Lee, Miss C.	T. P. H. C.
Gait, E. A.	Lopez, E.	Thrussell, A.
Guerault, Ch.	Lubbuch, J. B.	Tighe, James.
Gilhnaly, P. C.	Macdonald, Mrs. J.	Wilson, Theos.
Gill, F. N. G.	Madigan, Mrs. Louisa.	Williamson, W. F.
Gloster, Mrs.	Maxwell, Willwood.	Young, W.
Golding, Herbert.	Meij, H.	Zicasson, Georges.

Unregistered Letters.

Burgess, R.	Ferefourd, Duglass.	Thibaud, Thomy.
Cherkes, Luya.	Maurier, Emanuel.	Whitchello, R.
Decheppe, E.	Shields, H.	Woods, R. J.
Eisenberg, Mendal.		

E HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 1st December 1884.

Bray, Subadar Dalnu.	Ghosh, B. C.	Poe, J. C.
Brind, M. T.	Gilbert, E. L.	Rozario, Revd. F. T.
Cose, Mr.	Grey, H. D.	Wagne, H.
Davidson, Capt. M.	Landale, J.	Williams, W.
Donovan, J.	Mozumdar, J. C.	

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 6th December 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1884.	
Madras and Ceylon	13th Dec.	P. & O. Str. *Khedive.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	9th „	From Bombay.
Foreign Mails *viâ* Bombay	9th „	From Bombay.*
Do. Book Post and Pattern Packets	8th „	From Bombay.
Rangoon and Moulmein	10th „	Str. *Ethiopia.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	10th „	Str. *Bushear.*

* Also for Cape Colonies through United Kingdom can be forwarded.

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

E. HUTTON,
Presidency Post Master.

METEOROLOGICAL PUBLICATIONS FOR SALE.

At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices specified below:—

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1877, 4to, 193 pages text, 375 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1882, 4to, 152 pages text, 298 pages tables, 8 charts	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages	1	8	0
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates	1	8	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates	1	8	0
Indian Meteorological Memoirs, Vol. II, Part III, 4to, 68 pages, 3 plates	1	8	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates	2	0	0
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates	2	8	0
Rainfall Chart of India showing the average annual distribution of rainfall (in colors)	0	8	0
Rainfall Map of India (in two sheets, scale 64 miles to the inch), showing the annual distribution of rainfall (in colors)	3	0	0
Register of Original Observations of six stations in India for 1879, corrected and reduced	2	8	0
Register of Original Observations of six stations in India for 1880, corrected and reduced	2	8	0
Register of Original Observations of six stations in India for 1881, corrected and reduced	2	8	0
Register of Original Observations of six stations in India for 1882, corrected and reduced	2	8	0
Register of Original Observations of six stations in India for 1883, corrected and reduced	2	8	0
The Indian Meteorologist's Vade Mecum, Part I [Instructions to Observers]	3	0	0
The Indian Meteorologist's Vade Mecum, Part II [The Meteorology of India]	5	0	0
Tables for the Reduction of Meteorological Observations in India	2	0	0

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

THE INDIAN LAW REPORTS.

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Appendices.—Origin and Course of Property in Land—The Law and Constitution of India in 1765—The Permanent Settlement as designed by Parliament—Permanent Settlement; its Objects and Results—Government and Ryots—Zemindars before the Permanent Settlement—Zemindars after the Permanent Settlement—Village Proprietors and Ryots—Ryots—The Ryot since the Permanent Settlement, and Government's obligations towards him—Zemindars and Ryots from 1793 to 1859—Zemindars and Ryots as Landlords and Tenants, according to the Administration Reports—Condition of Zemindars and Ryots in the present day, per Administration Reports—Middlemen—Waste Lands and Miscellaneous—Obscurities in the Regulations of 1793.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 13, 1884.

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PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

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

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 5th December 1884.

Mr. C. T. Davis, Chief Clerk of the High Court, has obtained medical leave for ninety-nine days from the 17th of November last, under Section 128, Chapter X, of the Civil Leave Code.

By Order,
R. BELCHAMBERS,
Registrar.

CALCUTTA UNIVERSITY.

NOTICE.

The Tagore Professor of Law will lecture on the Law relating to Hindu Joint Families at 9 A.M. on Saturday, the 10th January 1885, and on succeeding Saturdays, at the Presidency College.

CHARLES H. TAWNEY,
Registrar.

Senate House,
The 5th December 1884.

SURVEY OF INDIA—REVENUE BRANCH.

NOTIFICATION.

Calcutta, the 9th December 1884.

No. 6 *R.*—Mr. T. W. Babonau (junior), Assistant Surveyor, 3rd Grade, has passed an examination in Hindustani by the first or Lower Standard, as laid down in G. O., Military Department, No. 734, dated 9th September 1864.

H. R. THUILLIER, *Lieut.-Col., R.E.,*
Deputy Surveyor General,
in charge Revenue Branch, Survey of India.

INDIAN MUSEUM.

NOTIFICATION.

Calcutta, the 8th December 1884.

Dr. J. Anderson, Superintendent, Indian Museum, returned from the furlough granted to him in Revenue and Agricultural Department Notification No. 177, dated 21st February 1884, and took over charge of the Office of the Superintendent on the forenoon of the 8th instant.

H. B. MEDLICOTT,
Hony. Secretary to the Trustees, Indian Museum.

AGENT TO THE GOVERNOR GENERAL FOR BILUCHISTAN, P. W. D.

NOTIFICATIONS.

Quetta, the 1st December 1884.

No. 13.—With reference to Military Works Department Notification No. 55 of the 7th November 1884, Captain J. F. Garwood, R.E., is posted to the Quetta Division.

Captain Garwood took over charge of the Division on the forenoon of the 4th October 1884.

The 2nd December 1884.

No. 14.—With reference to Public Works Department Notification No. 208, dated the 2nd September 1884, Major W. P. Tomkins, R.E., made over charge of the duties of Superintending Engineer in Biluchistan and Secretary to the Agent to the Governor General in the Public Works Department to Colonel J. Browne, C.B., C.S.I., R.E., on the afternoon of 20th September 1884, and re-assumed charge of the Office on the forenoon of 1st December 1884.

By Order,

W. P. TOMKINS, *Major, R.E.,*
Secy. to Agent to the Govr. Genl. for Biluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 8th December 1884.

No. 3756.—With reference to Foreign Department Notification No. 2265 G., dated the 26th November 1884, Captain C. W. Ravenshaw made over and Captain I. MacIvor received charge of the duties of 3rd Assistant to the Governor General's Agent in Central India, on the forenoon of the 24th ultimo.

By Order,

D. ROBERTSON, *Captain,*
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATION.

Abu, the 2nd December 1884.

No. 3574 *G.*—Third Class Hospital Assistant Mohomed Moosa, attached to the Shahabad Dispensary, is granted two months' privilege leave from the 6th November 1884, and 3rd Class Hospital Assistant Syeed ood-din, of the Reserve List of Hospital Assistants for Native States, is appointed to officiate during his absence.

Second Class Hospital Assistant Mohomed Hossein is granted an extension of two months' leave in continuation of the privilege leave sanctioned in this Office Notification No. 2514 G., dated 11th August 1884, and the whole period of his leave from 1st July 1884 is converted into sick leave, in accordance with Section 141 of the Civil Leave Code.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 5th December 1884.

No. 971.—Under Section 32 (last clause) of Act X of 1882 (Criminal Procedure Code), the Chief Commissioner of Ajmere-Merwara is pleased to specially empower Munshi Jagat Narain, Tehsildar of Todgarh, exercising powers of a Magistrate of the 2nd Class, to pass sentence of whipping.

No. 974.—Assistant Surgeon Banka Vihari Mitra, M.B., in medical charge of the Civil Station of Beawar, is granted furlough on private affairs for one year, with effect from the afternoon of the 31st October 1884.

No. 975.—With reference to the Notification of the Surgeon-General with the Government of India, No. 29, dated the 23rd October 1884, Assistant Surgeon Gopal Chundra Mukerjea received charge of the medical duties of the Civil Station of Beawar from Assistant Surgeon Banka Vihari Mitra, on the afternoon of the 31st October 1884.

The 9th December 1884.

No. 987.—With reference to this Office Notification No. 278, dated the 12th of April 1884, Surgeon J. Crofts, M.D., and Surgeon-Major J. H. Newman, M.D., respectively, made over and received charge of the Office of Civil Surgeon and Superintendent of the Jail, Ajmere, and medical charge of the Merwara Battalion, on the forenoon of the 22nd of November 1884.

By Order,

W. H. C. WYLLIE,
1st Asst. to the Chief Commr.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th November 1884.

PARTICULARS.	3½ per cent. Transferable Loan of 1863-64	4 per cent. Loans							4½ per cent. Loans								5 per cent. Loan of 1856-57.	Grand Total.
		Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1866.	Reduced 4 per cent. Loan of 1870.	Total.	Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.	Transfer Loan of 1879, Seven Shillings per cent. Portion.					
Balance of 16th November 1884	54,100	13,36,363	27,72,400	2,33,82,300	90,74,800	2,96,56,637	2,44,37,400	9,16,60,100	45,73,700	95,33,300	10,20,37,000	11,61,44,000	1,24,000				32,700	20,79,14,900
Add—																		
Amount enfaced at Madras between 16th and 30th November 1884		3,413	14,700	52,900	1,700	1,15,000		1,87,713	1,000	1,000		1,000						1,88,713
Amount enfaced at Bombay between 16th and 30th November 1884				29,000	5,000	1,96,000	5,000	2,35,000	1,500	6,000	19,500	27,000						2,62,000
Amount enfaced at Calcutta between 16th and 30th November 1884			5,000	55,000	5,000	3,56,800	10,000	4,31,800		15,000	1,20,800	1,35,800						5,67,200
	54,100	13,40,268	27,92,100	2,35,19,200	90,86,500	3,03,14,237	2,44,52,400	9,24,04,503	45,76,200	95,55,300	10,21,77,100	11,63,07,600	1,24,000				32,700	20,89,22,903
Deduct—																		
Amount written off in the London Registers			2,000	2,13,800	1,01,100	6,37,100	3,15,300	12,69,400		65,000	45,700	1,10,700						13,80,100
Balance on 30th November 1884	54,100	13,40,268	27,90,100	2,33,05,400	89,85,400	2,96,77,137	2,41,37,100	9,11,35,103	45,76,200	94,90,300	10,21,31,400	11,61,96,900	1,24,000				32,700	20,75,42,803

NOTE.—From 9th June 1867 to 30th Sept. 1884, enfaced from India 6,044 lakhs; re-transferred from London 4,322 lakhs.

1st Oct. 1884	to 15th Oct.		10	
16th "	to 31st "		4	"
1st Nov. "	to 15th Nov.		5	"
16th "	to 30th "		9	"
			5,073 lakhs.	
			1,354	"
Balance against India			718 lakhs.	

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 3rd December 1884.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 4th December 1884.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
PUBLIC WORKS (BUILDINGS AND ROADS) AND MILITARY WORKS BRANCH) AND TELEGRAPH.			
1	Port Blair	Sept. 1884	Nov. 13, 1884
2	Rajputana	Do. "	Do. 17, "
3	Punjab	Do. "	Do. 20, "
4	Military Works Branch	Do. "	Do. 24, "
	Central Provinces		
7	Bombay	Do. "	Do. 25, "
	Central India		
8	Hyderabad Imperial	Do. "	Do. 26, "
	Ditto Assigned Districts		
10	Assam	Do. "	Do. 27, "
11	British Burma	Do. "	Do. 28, "
12	Madras	Do. "	Dec. 1, "
	Coorg		
15	Bengal	Aug. "	Oct. 29, "
	North-Western Provinces and Oudh.		

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
IRRIGATION.			
1	Rajputana	Sept. 1884	Nov. 17, 1884
2	Punjab	Do. "	Do. 24, "
3	Bombay	Do. "	Do. 24, "
4	British Burma	Do. "	Do. 25, "
	Bengal		
5	Madras	Do. "	Dec. 1, "
	North-Western Provinces and Oudh.		
	TELEGRAPH.		
1	Indo-European	Sept. 1884	Dec. 1, 1884
2	Indian	Aug. "	Nov. 11, "
3	General	Do. "	Do. 18, "
	GUARANTEED RAILWAYS.		
1	State Ry., Stores Branch	Sept. 1884	Nov. 18, 1884
2	Central Provinces	Do. "	Do. 20, "
	Punjab		
3	Bombay	Do. "	Do. 24, "
4	North-Western Provinces and Oudh.	Do. "	Do. 24, "
5	Bengal	Do. "	Dec. 1, "
6	Madras	Do. "	Do. 1, "

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
STATE RAILWAYS (CAPITAL).			
1	Amritsar Pathankot	Sept. 1884	Nov. 13, 1884
2	Assam Railway Surveys	Do. "	Do. 14, "
3	N.-W. P. & Oudh Subsidized Railways.	Do. "	Do. 15, "
4	Bhopal	Do. "	Do. 17, "
	N.-W. P. & Oudh Provl. Railway Surveys.		
6	State Ry. Stores Branch	Do. "	Do. 18, "
7	Bengal Central Railways	Do. "	Do. 20, "
8	Assam Subsidized Railways	Do. "	Do. 21, "
	Punjab & Gin		
	Rajputana-Bhagwangola		
	Punjab Northern		
10	Jhansi Mauikpur	Do. "	Do. 22, "
	Bombay Railway Surveys.		
	Bengal Administrative Charges.		
15	Wardah Coal	Do. "	Do. 24, "
16	Northern Bengal	Do. "	Do. 25, "
	Nalhati		
	Kaunia-Dhurla		
19	Sind-Pishin (N. Sec.)	Do. "	Do. 26, "
	Do. (S. Sec.)		
	Dacca-Mymensing		
	Sindia		
22	Rewari-Ferozepore	Do. "	Do. 27, "
	Nagpur-Chattisgarh.		
	Bengal & North-Western		
	Eastern Bengal Railway Surveys.		
28	Tirhoot	Do. "	Do. 28, "
	Indus Valley		
	British Burma		
	Holkar		
	Madras Railway Surveys.		
31	N.-W. P. & Oudh Provl. Railways.	Do. "	Dec. 1, "
35	Rajputana-Malwa	Do. "	Do. 3, "
36	Cuddapah-Nellore	Do. "	Do. 4, "
37	Southern Mahratta	Do. "	Do. 4, "
	Sarnpore-Acheyra	Aug. "	Nov. 3, "
	Bellary-Kistna		
39	Kokilamukh	Do. "	Do. 4, "
40	Bengal Provl. Ry. Surveys.	Do. "	Do. 6, "
41	East Indian	Do. "	Do. 24, "
	FOREIGN STATES.		
	CAPITAL.		
1	Bhavnagar-Goudal	Sept. 1884	Nov. 30, 1884
2	Nizam's	Do. "	Dec. 1, "
	REVENUE.		
1	Bhavnagar-Goudal	Sept. 1884	Nov. 28, 1884
2	Nizam's	Do. "	Dec. 1, "

A. FILGATE, *Lieut.-Colonel, R.E.,*
Accountant General, P. W. Dept.

Fort William, the 9th December 1884.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Calcutta, the 28th November 1884.

No. 31.—Third Grade Assistant Surgeon Debendra Nath Goopta, of the Bengal Provincial Establishment, is permitted to resign the service, with effect from the 24th June 1884.

The 4th December 1884.

No. 32.—The services of 2nd Grade Senior Apothecary T. Lyons are replaced temporarily at the disposal of the Government of Bengal.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Presidency and Oudh Command.

Lucknow, the 10th December 1884.

No. 7.—Captain N. Arnott, R.E., Executive Engineer, 1st Grade, sub. *pro. tem.*, having been transferred from the Barrackpore Division, Military Works, to the Fort William Division, Military Works, which he joined on the afternoon of the 25th November, took over charge of the latter Division, from Major S. J. Lambert, R.E., Executive Engineer, 2nd Grade, on the afternoon of the 1st December 1884.

W. L. GREENSTREET, *Major, R.E.,*
Supdg. Engr., Presdy. & Oudh Command, Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 10th December 1884.

No. 80.—Mr. E. N. Homan, Store-keeper in Class III of State Railway Revenue Establishment, is granted furlough on medical certificate for fifteen months, with effect from the 15th November 1884.

No. 81.—Mr. R. W. L. Toozs, Assistant Engineer, 1st Grade, is, on return from furlough, posted to the Jhansi-Manikpur State Railway.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

RAJPUTANA-MALWA RAILWAY.
(Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATION.

Ajmere, the 6th December 1884.

No. 16.—Mr. W. H. Cole, Assistant Engineer, 1st Grade, is granted twelve months' furlough to Europe, together with the usual subsidiary leave, with effect from 4th December 1884, or such subsequent date as he may be permitted to avail himself of the same.

H. DANGERFIELD,
Offg. Manager.

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878) that, on 16th October 1884, treasure consisting of an idol made of black stone, valued at about ₹100, was found underground by Pamarathi Kondanna, Department Public Works Contractor, near the site of the Head Assistant Collector's Office at Penukonda Taluk, Anantapur District, Madras Presidency.

All persons claiming the said treasure or any part thereof are required to appear personally or by agent before the Collector of Anantapur, on Monday, the 4th May 1885, for the matter being enquired into and determined in accordance with the Act.

———————,
for Collector.

ANANTAPUR COLLECTOR'S OFFICE,
The 25th November 1884.

GOVERNMENT ENGINEERING COLLEGE, HOWRAH.

An Examination for admission to the Mechanical Apprentice Class will be held at the College, on Monday and Tuesday, the 19th and 20th January 1885.

Candidates must apply in writing to the Principal of the College not later than the 10th January 1885 for permission to appear at the Examination, enclosing a certificate of good conduct and a certificate of age.

For admission to this class, candidates must be between the ages of 15 and 17 years.

The subjects of examination are:—

Arithmetic (the whole.)

Algebra (to Simple Equations.)

Euclid (Books I and II.)

English (Grammar and Composition.)

Every applicant, before admission to the College, will be examined by the College Surgeon as to his physical strength, fitness for manual labour, and eyesight. If this officer's report is unsatisfactory, the applicant will not be admitted.

Further particulars will be supplied on application to the Principal of the College.

A. W. CROFT,
Director of Public Instruction.

CALCUTTA,
The 9th December 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 9th December 1884.

LIABILITIES.				₹	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,296	4	4
	₹	a.	p.			
Public Deposits at Head Office	65,47,200	15	0	1,51,85,381	4	7
Public Deposits at Branches	86,38,120	5	7			
Other Deposits at Head Office and Branches				3,10,94,248	6	9
Bank Post Bills, &c.				2,60,558	8	5
Sundries				15,59,309	3	11
RUPEES				7,22,58,773	12	0

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				73,52,338	0	0
Other authorized Investments				38,10,935	0	0
Loans on Government and other authorized Securities				84,05,690	12	10
Accounts of Credit on Government and other authorized Securities				81,81,851	7	0
Bills discounted and purchased				1,52,62,370	2	9
Balances with other Banks				6,92,437	13	9
Bullion				27,963	4	5
Dead Stock				11,89,913	11	10
Stamps				8,803	1	0
Sundries				6,28,486	0	6
				4,55,60,789	6	1
	₹	a.	p.			
Cash and Currency Notes at Head Office	1,28,06,253	1	11	2,66,97,984	5	11
Cash and Currency Notes at Branches	1,38,91,731	4	0			
RUPEES				7,22,58,773	12	6

BANK OF BENGAL,
Calcutta, 11th December 1884.

J. GORDON,
Chief Accts. & Depy. Secretary.
Rate for Demand Loans 4 per cent.
Percentage 55·4.

By order of the Directors,
R. HARDIE,
Secy. & Treasurer.

Statement of Transactions of District Savings Banks and State Railway Provident Institutions for the quarter ending 30th September 1884.

PROVINCE.	Number of Banks open.	DEPOSITS. No.	DEPOSITS. Amount. ₹ a. p.	WITHDRAWALS. No.	WITHDRAWALS. Amount of Principal. ₹ a. p.	WITHDRAWALS. Amount, Interest. ₹ a. p.	BALANCE. ₹ a. p.
India	10	1,371	60,616 6 5	257	39,101 5 5	87 12 4	5,98,650 2 0
Central Provinces	18	555	58,449 1 9	260	58,010 15 5	81 4 8	5,84,971 15 8
British Burmah	14	485	37,308 6 4	217	33,134 2 4	63 12 8	2,48,907 14 1
Assam	11	462	35,299 11 8	221	27,476 9 4	108 10 6	3,94,072 9 5
Bengal	48	2,915	2,82,859 13 5	1,604	2,68,408 15 3	597 4 4	26,76,542 11 10
N.-W. Provinces and Oudh	49	3,772	1,95,211 0 0	1,128	1,61,119 3 7	380 1 1	18,57,083 5 5
Punjab	25	812	1,01,144 3 5	391	78,532 1 3	239 1 3	10,82,422 3 8
Berar	6	123	14,218 8 0	76	21,885 7 4	26 7 9	1,96,383 8 2
State Railways	11	21,723	1,19,822 11 10	934	77,491 13 10	186 2 9	10,79,196 2 11
TOTAL	192	32,218	9,04,929 14 10	5,088	7,65,160 9 9	1,770 9 4	87,18,230 9 2

CALCUTTA,
The 11th December 1884.

J. WESTLAND,
Comptroller General.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON: General Treasury.	CERTIFICATES ISSUED ON: Currency Department	BALANCE OF BULLION: Under Assay.	BALANCE OF BULLION: Assayed	BALANCE OF BULLION: Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Dec. 1		1,52,908	2,009	201	1,58,88,056	1,29,85,289
,, 2		1,79,354	171	39	1,58,93,831	1,28,12,450
,, 3		1,84,806		39	1,58,93,831	1,26,33,872
,, 4		1,24,000		39	1,58,93,831	1,24,97,341
,, 5		1,35,897		39	1,58,93,831	1,23,58,670
,, 6		1,47,967	31		1,58,93,863	1,22,07,715

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 8th December 1884.

CURRENCY NOTES.

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

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
14	D 20—13275	100	H. C. Irwin, Esq., Bahraich.
15	D 17—81292	50	Miss E. S. Mispelaar, Cawnpore.

ALLAHABAD,
The 10th December 1884.

A. H. ANTHONY,
Assistant Accountant General, in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
207	R 9—85402	100	The District Superintendent of Police, Rajshahye.
208	R 10—81512	100	Babu Lal Mohun Sarkar, 144, Russa Road, Bhawanipore.
211	P 77—04907	100	The Inspector of Post Offices, Nuddea.
	P 40—43381	50	
213	O 51—72648	10	Janokiprasad Tacoor, 385 Banstola Lane, Mooktaram Baboo's Street, Calcutta.

CALCUTTA.
The 12th December 1884.

J. TAYLOR.
Assistant Comptroller General, in charge, Paper Currency.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. ₹	Name of Claimant.
27	*E 19—72353	50	Rahman Kashmiri, Noor Mohalla, Bhatee Gate, Lahore.

* Belonging to Agency No. 5, Ferozepore.

LAHORE,
The 6th December 1884.

W. H. EGERTON,
for *Depy. Commr. of Paper Currency.*

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 5th December 1884.

No. 10034.—Mr. A. G. Faichnie, Deputy Post Master General, Central Provinces, resumed charge of his Office on return from furlough on the 26th November 1884, before noon.

The 6th December 1884.

No. 10065.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

POSTAL CIRCLE, BOMBAY.

Mr. C. L. Hanson is promoted to the 1st Grade of Superintendents.

Mr. Cursetji Sorabji is promoted to the 2nd Grade of Superintendents.

Mr. Dinshaw Jijibhai is promoted to the 3rd Grade of Superintendents.

Mr. Vinayak Karnanand is appointed to be 4th Grade Superintendent sub. *pro tem.*, on probation.

POSTAL CIRCLE, PUNJAB.

Lala Mulraj is appointed to be sub. *pro tem.* 4th Grade Superintendent.

Mr. J. W. Buckner is appointed to be Postmaster, Delhi.

POSTAL CIRCLE, MADRAS.

Mr. J. Jasudasen Pillay is appointed to officiate as a 4th Grade Superintendent.

Mr. J. DeCaster is appointed to officiate as a 1st Grade Superintendent.

Mr. E. M. Dawes is appointed to officiate as a 2nd Grade Superintendent.

Mr. T. D. Dinwiddie is appointed to officiate as a 3rd Grade Superintendent.

Mr. T. C. D'Rozario is appointed to officiate as a 4th Grade Superintendent.

P. SHERIDAN,
for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 10th December 1884.

Cooke, H. J.	Hodding, G. H.	Owen, C. M.
Coxhead, T. E.	Hume, Allan.	Smith, Mrs. Lionel.
DeCruze, Edwin H.	Lasayo, Antonio.	Thayer, Charles W.
Gallwey, C. H.	Leebenschutz, Herr.	Warden, C. J. H.
Goldinberg, Adolfe.	Lucas, W. H.	Webb, C. R. H.
Harris, John.	May, Miss.	Wegenen, F.
Haydock, W.	Meares, Wm. Charles.	Young, T. G.
Heselton, Miss A.	Mitchell, Robert.	

Letters marked "Care of Post Office."

Adda, Henry.	Harcourt, W. H.	"Naini."
Amoss, Thomas.	Hordern, Mrs. Peter.	Owen, L. C.
Archdeacon of Colombo.	Huddleston, John E.	Q. R.
Betts, D.	Leslie.	Peyllas, Michel G.
Boileau, Captain H.	Hull, W.	Ramioh, C. V.
Bott, Fred.	Hurst, W. H.	Rathboue, Herbert P.
Brigg, E. A.	Ingram, Miss E.	"Rex."
Caurey, Captain.	Jones, Evan.	Roberts, John Herbert.
Carlisle, J. T.	King, W.	Robertson, W.
C. G.	Lampard, Henry.	Seatan, S.
Chapman, Frank.	Laughlin, R. C.	Settle, J. W.
Clayton, L.	Lawless, Hiram.	Sowers, Miss Rosa.
Clift, Mrs. H. W.	Lee, Miss C.	Spitzy, Mrs. Berthe.
DeLa Grange, Baron Louis.	Lewis, H.	Stagg, J. E.
Faerstermann, Ignatz.	Lewis, Roberts & Davies.	"Stanhope."
French, F. E.	Lieusson, Georges.	Stern, Edward.
Gait, E. A.	Lopez, E.	Thompson, James.
Guerault, Ch.	Lubbach, J. B.	T. P. H. C.
Gilhooly, P. C.	Macdonald, Mrs. J.	Thrussell, A.
Gill, F. N. G.	Madigan, Mrs. Louisa.	Tirbe, James.
Gloster, Mrs.	Malcolm, Lee Messurier.	Watt, Dr. George.
Golding, Herbert.	Maxwell, Willwood.	Wilson, Theos.
Grieves, H. E. H. M. W.	Meli, H.	Williamson, W. F.
	Morris, Pierce M.	Young, W.
	Murgatroyd, C. A.	

Registered Letters.

Burgess, R.	Duncan, B. F.	Maurier, Emanuel.
Cherkes, Laya.	Eisenberg, Meadal.	Thibaud, Thomy.
Decheppe, E.	Forefourd, Duglass.	Woods, R. J.

E HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 8th December 1884.

Bray, Subadar Dainu.	Cuppage, W. A.	Groy, H. D.
Brind, M. T.	Davidson, Capt. M.	Pue, J. P.
Cose, Mr.	DeRozario, Revd. F. T.	Rymer, Mrs.
Cuppage, W.	Ghosh, B. C.	

A. P. GHOSAL,
Postmaster, Barrackpore.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	For Steamer
	1884.	
Madras and Ceylon	13th Dec.	P. & O. Str. *Khedive.*
Foreign Mails *vid* Bombay	16th ,,	From Bombay.*
Do. Book Post and Pattern Packets	15th ,,	From Bombay.
Rangoon and Moulmein	17th ,,	Str. *Kilwa.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	17th ,,	Str. *Calcutta.*
Straits and Hong-Kong	17th ,,	Strs. *A. Apcar* and *Taisang.*
Port Blair and Camorta	18th ,,	Str. *Maharani.*

* Also for Cape Colonies through United Kingdom, also *via* Aden for Mauritius, Mahe (Seychelles), Mayotte, Nossi Be and Reunion can be forwarded.

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

E. HUTTON,
Presidency Post Master.

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At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices specified below:—

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Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts	8	0	0
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Orders and subscriptions for 1885 should be at once remitted.

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Distribution Return of Officers and Subordinates employed under District Road Cess Committees. Corrected up to 1st October 1884. 2*a.* (½*a.*)

List of Officers of the Public Works Department, Bengal. Corrected up to 1st October 1884. 6*a.* (1*a.* 6*p.*)

Memoranda on the System of Brick-making at Akra. By A. G. Bremner, Assistant Engineer. ₹3 (4*a.*)

APPOINTMENT DEPARTMENT.

The Quarterly Civil List for October 1884. ₹3 (4*a.*)

REVENUE.

Rules for the Guidance of Officers in the administration of the Salt Department. ₹1-4 (3*a.*)

Board's Rules, or Rules for the guidance of Officers engaged in the administration of the Revenue Department in the Lower Provinces of Bengal. Vols. I and II. ₹4 (5*a.*) and ₹3 (5*a.*) Interleaved copies, ₹5 (8*a.*) and ₹3-8 (8*a.*) respectively. Printed slips containing alterations and additions will be available to purchasers monthly at ₹2 per annum, including postage.

Rules for the Guidance of Officers in the Opium Department. ₹3 (2*a.*)

Bengali Translation of the Revised Salt Manual. 4*a.* (6*p.*)

Bengal Embankment Manual. ₹2. With Map. ₹3 (4*a.*)

Memorandum on the Revenue History of Chittagong. By H. J. S. Cotton, C.S.. ₹2-4 (4*a.*)

MISCELLANEOUS.

List of the Trees, Shrubs, and large Climbers found in the Darjeeling District, Bengal. ₹1-8 (1*a.*)

Reports on the Effects of Artificial Respiration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisons. ₹3 (4*a.*)

A Report on the District of Jessore: its Antiquities, its History and its Commerce. By J. Westland, Esq., C.S. ₹3 (3*a.*)

Report of the Vizagapatam and Backergunge Cyclones of October 1876. ₹3 (4*a.*)

Winds of Northern India. ₹1 (2*a.*)

Manual of Materia Medica, in Urdu. By Shaik Akbar Ally. 8*a.* (2*a.*)

Buddha Gaya, the Hermitage of Sakya Muni. ₹30 (₹1-4.)

Further Notes on the Rungpore Records, Vol. II. By E. G. Glazier, C.S. ₹1 (2*a.*)

Selection of Papers regarding the Hill Tracts between Assam and Burma, and on the Upper Brahmapooter. ₹5 (4*a.*)

Descriptive Ethnology of Bengal. By Colonel Edward Tuite Dalton.

Bound copies . . . . . ₹45
Unbound copies . . . . . ,,35

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 20, 1884.

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

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta **After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.**

	₹	a.	p.
Subscription for *Gazette* and Supplement per annum	15	0	0
Postage	5	8	0
Subscription for Supplement only	6	0	0
Postage	3	0	0
For a single copy of the *Gazette*	0	8	0
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Parts IV and V of the *Gazette of India,* containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is ₹5 per annum, payable in advance. When sent by post, ₹2-8 per annum additional will be charged for postage.

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

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

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

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

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 13th December 1884.

The Honorable the Chief Justice has, with the approval of His Excellency the Governor General of India in Council, appointed Mr. W. R. Fink, Assistant Registrar, Original Side, to officiate as Chief Clerk, Mr. S. Tremearne, Private Secretary and Clerk to the Chief Justice, to officiate as Assistant Registrar, and Babu Grees Chunder Bonerjee, Assistant Clerk, Original Side, to officiate as Private Secretary and Clerk to the Chief Justice. Such appointments to have effect from the 17th of November last, and to continue during the absence on leave of Mr. C. T. Davis, the Chief Clerk, or until further order.

By Order,

R. BELCHAMBERS,
Registrar.

BANK OF BENGAL.

Calcutta, the 17th December 1884.

Notice is hereby given that the Transfer Books of the Bank will be closed from Friday, the 2nd, to Friday, the 16th proximo, both days inclusive.

By order of the Directors,

R. HARDIE,
Secretary & Treasurer.

No. 1828.—*Account of Revenue and Expenditure of the Government of India for the first five months of the year 1884-85, as compared with the corresponding period of 1883-84.*

N.B.—Amounts are converted into sterling at R10 to the pound sterling.

	Revenue.	Estimates, 1884-85.	April 1883 to August 1883.	April 1884 to August 1884.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	22,396,600	7,785,810	7,681,224	...	104,586
II	Opium	8,594,200	3,794,507	3,551,041	...	243,466
III	Salt	6,328,900	2,535,187	2,572,668	37,481	...
IV	Stamps	3,533,000	1,547,855	1,600,263	52,408	...
V	Excise	3,796,900	1,572,160	1,646,742	74,582	...
VI	Provincial Rates	2,740,300	1,038,587	983,431	...	55,156
VII	Customs	1,289,500	484,684	395,522	...	89,162
VIII	Assessed Taxes	518,100	409,864	413,632	3,768	...
IX	Forest	1,052,000	303,650	271,080	...	32,570
X	Registration	265,600	135,019	130,480	...	4,539
XI	Tributes from Native States	695,900	193,372	184,160	...	9,212
XII	Post Office	1,059,000	419,254	440,429	21,175	...
XIII	Telegraph	547,700	186,124	188,860	2,736	...
XIV	Mint	102,200	20,819	49,024	28,205	...
XV	Law and Justice	617,900	213,036	199,126	...	13,910
XVI	Police	308,800	124,336	126,044	1,708	...
XVII	Marine	205,900	57,273	48,279	...	8,994
XVIII	Education	198,700	83,294	75,876	...	7,418
XIX	Medical	46,100	19,540	16,632	...	2,908
XX	Scientific and other Minor Departments.	75,700	25,008	27,613	2,605	...
XXI	Interest	643,100	355,147	348,922	...	6,225
XXII	Receipts in aid of Superannuation, &c.	194,200	58,070	56,294	...	1,776
XXIII	Stationery and Printing	53,000	17,626	16,086	...	1,540
XXIV	Miscellaneous	248,300	81,718	104,547	22,829	...
		55,511,600	21,461,940	21,127,975	...	333,965
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,716,900	1,291,957	1,390,612	98,655	...
	East Indian Railway (Gross Earnings).	4,850,000	2,231,123	1,764,489	...	466,634
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,613,000	2,333,408	2,178,716	...	154,692
XXVII	Irrigation and Navigation (direct Receipts).	942,600	430,345	492,075	61,730	...
	Unproductive Public Works.					
XXIX	State Railways	196,100	39,701	86,099	46,398	...
XXX	Southern Mahratta Railway	...	...	5,799	5,799	...
XXXI	Irrigation and Navigation	140,700	52,296	48,183	...	4,113
XXXII	Military Works	37,700	14,540	12,794	...	1,746
XXXIII	Civil Buildings, Roads, and Services	520,600	172,598	200,250	27,652	...
XXXIV	Army	810,000	303,862	279,377	...	24,485
XXXV	Military Operations in Egypt	...	888	...	...	888
		70,339,200	28,332,658	27,586,369	...	746,289
	England, including Army, Public Works, &c.	221,200	128,389	124,577	...	3,812
	GRAND TOTAL	70,560,400	28,461,047	27,710,946	...	750,101

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

	Expenditure.	Estimates, 1884-85.	April 1883 to August 1883.	April 1884 to August 1884.	Comparison of two years. Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt†	3,798,300	1,638,634	1,655,404	16,770	...
2	Do. on other Obligations	470,300	58,906	80,322	21,416	...
3	Refunds and Drawbacks	220,400	108,008	80,062	...	27,946
4	Assignments and Compensations	1,240,100	368,293	368,825	532	...
5	Land Revenue	3,340,100	1,246,357	1,336,873	90,516	...
6	Opium (including cost of production)	2,352,000	1,222,424	2,291,681	1,069,257	...
7	Salt (do. do.)	521,700	211,498	198,875	...	12,623
8	Stamps	85,600	35,532	38,832	3,300	...
9	Excise	98,600	38,683	39,694	1,011	...
10	Provincial Rates	53,000	26,394	22,482	...	3,912
11	Customs	142,000	57,342	58,447	1,105	...
12	Assessed Taxes	13,800	6,400	5,772	...	628
13	Forests	724,000	217,367	238,267	20,900	...
14	Registration	176,500	81,499	74,602	...	6,897
15	Post Office	1,146,500	465,403	446,802	...	18,601
16	Telegraph	628,700	192,207	203,491	11,284	...
17	Mint	73,400	32,111	31,664	...	447
18	General Administration	1,343,200	528,754	538,991	10,237	...
19	Law and Justice	3,376,700	1,325,704	1,355,872	30,168	...
20	Police	2,793,900	1,107,551	1,124,328	16,777	...
21	Marine (including River Navigation)	381,000	137,498	128,484	...	9,014
22	Education	1,237,100	453,700	459,402	5,702	...
23	Ecclesiastical	167,100	63,260	67,294	4,034	...
24	Medical	722,900	287,960	292,575	4,615	...
25	Political	548,200	171,496	196,630	25,134	...
26	Scientific and other Minor Departments	428,600	209,361	211,988	2,627	...
27	Territorial and Political Pensions	675,300	293,842	264,263	...	29,579
28	Civil Furlough and Absentee Allowances	900	296	8,231	7,935	...
29	Superannuation Allowances and Pensions	783,900	342,205	367,780	25,575	...
30	Stationery and Printing	383,300	145,502	144,988	...	514
31	Miscellaneous	268,600	125,648	114,117	...	11,531
32	Famine Relief	...	4,749	176	...	4,573
33	Protective Works—Railways	1,138,600	110,389	424,196	313,807	...
34	Do. do. Irrigation	310,100	91,441	81,624	...	9,817
35	Reduction of Debt	301,300	...	...	...	...
49	Exchange on transactions with London	3,538,100	1,847,268	1,438,886	...	408,917
		33,488,800	13,065,667	14,431,849	1,367,702	...
	Productive Public Works.					
36	State Railways (Working Expenses)	2,027,700	736,066	917,921	181,855	...
	East Indian Railway (Working Expenses)	2,052,500	860,836	863,283	2,447	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision).	530,000	122,437	63,968	...	58,469
38	Irrigation and Navigation (Working Expenses).	562,100	206,849	233,972	27,123	...
39	Charges in respect of Capital— (c) Guaranteed Railways Interest	5,300	3,972	6,966	2,994	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	166,700	108,896	55,937	...	52,959
41	Do. (Working and Maintenance)	176,700	46,890	64,790	17,900	...
42	Subsidized Railways	66,200	12,020	15,407	3,387	...
	Southern Mahratta Railway	89,500	42,893	50,508	7,615	...
43	Frontier Railways	—73,000	56,609	18,412	...	38,197
44	Irrigation and Navigation	752,200	300,960	269,913	...	31,047
45	Military Works	919,200	325,053	320,261	...	4,792
46	Civil Buildings, Roads, and Services	3,882,200	1,389,436	1,259,607	...	129,829
47	Army	12,121,300	4,820,280	4,895,623	75,343	...
48	Military Operations in Egypt	...	34,299	...	...	34,299
		56,762,400	22,101,163	23,127,998	1,026,775	...
	England, including Army, Public Works, Guaranteed Interest, &c.	13,993,200	6,467,961	6,725,314	257,353	...
		70,755,600	28,569,124	29,853,252	1,284,128	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,239,900	490,299	643,129	152,830	...
	East Indian Railway	540,000	107,312	54,292	...	53,020
51	Irrigation and Navigation	948,300	247,756	228,000	...	19,756
52	Miscellaneous Public Improvements	...	12,009	...	...	12,009
	In England—					
	State Railways	2,035,700	330,061	1,307,680	977,619	...
	East Indian Railway	...	212,506	167,670	...	44,836
	Irrigation and Navigation	500	7,901	260	...	7,641
		4,764,400	1,407,844	2,401,031	993,187	...
	GRAND TOTAL	75,520,000	29,976,968	32,254,283	2,277,315	...

† Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 18th December 1884.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 16th December 1884.

No. 10.—Mr. F. G. Maclean, a Superintendent of the 4th Grade, is allowed furlough for one year, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 12th December 1884.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

CALCUTTA UNIVERSITY.

NOTICES.

The Tagore Professor of Law will lecture on the Law relating to Hindu Joint Families at 9 A.M. on Saturday, the 10th January 1885, and on succeeding Saturdays, at the Presidency College.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 5th December 1884.

The University Examinations in Arts, Law and Medicine of 1885 will be held on the undermentioned dates :—

Entrance Examination and First Examination in Arts and B. A. Examination on Monday, the 13th April, and following days.

B. L. and the Medical Examinations on Monday, the 2nd March, and following days.

Applications from candidates for admission to the Entrance, First Arts and B. A. Examinations must be lodged with the Registrar on or before the 2nd March.

Applications from candidates for admission to the B. L. and Medical Examinations must be lodged with the Registrar before the 2nd and 16th February, respectively.

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

By Order of the Vice-Chancellor,

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 13th December 1884.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 17th December 1884.

No. 483.—Mr. F. E. Warde is re-appointed an Assistant Surveyor, 3rd Grade, Survey of India, with effect from 13th November 1884, to fill an existing vacancy.

The 19th December 1884.

No. 484.—Mr. A. D'Souza, who has been appointed an Assistant Superintendent, 2nd Grade, under Notification No. 650-S.—52-14, dated 11th November 1884, of the Government of India in the Revenue and Agricultural Department, is appointed to officiate in the 1st grade of Assistant Superintendents, with effect from the forenoon of the 1st October 1884.

No. 485.—The following promotions are made from the forenoon of 1st October 1884, *vice* Mr. A. D'Souza, promoted as Assistant Superintendent, 2nd Grade, and Mr. E. S. P. Atkinson, Surveyor, 3rd Grade, seconded :—

Mr. W. J. O'Sullivan, Surveyor, 4th Grade, to be Surveyor, 3rd Grade.

Mr. J. Bond, Officiating Surveyor, 4th Grade, is confirmed in that grade.

Mr. J. Newland, Assistant Surveyor, 1st Grade, to officiate as Surveyor, 4th Grade.

Mr. P. White, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. R. W. Senior, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

No. 486.—Mr. A. G. Wyatt, Surveyor, 3rd Grade, having returned to duty on the forenoon of 7th November 1884 from the furlough granted him in Notification No. 380, dated 4th September 1883, the following reversion is made with effect from the same date :—

Mr. J. Newland, Officiating Surveyor, 4th Grade, to revert to his substantive appointment of Assistant Surveyor, 1st Grade.

No. 487.—The following promotion is made with effect from the forenoon of the 28th November 1884, *vice* Mr. G. R. Copping, Assistant Surveyor, 2nd Grade, deceased :—

Mr. W. H. D. Ewing, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

G. C. DEPRÉE, *Colonel, S.C.,*
Surveyor General of India.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Calcutta, the 8th December 1884.

No. 33.—Second Grade Assistant Surgeon Kali Krishna Ghose, of the Imperial establishment, is promoted to be an Assistant Surgeon of the 1st grade, with effect from the 1st November 1884.

J. M. CUNINGHAM, M.D.,
Surgeon-Genl. with the Govt. of India.

AGENT TO THE GOVERNOR GENERAL FOR BILUCHISTAN, P. W. D.

NOTIFICATIONS.

Quetta, the 6th December 1884.

No. 15.—With reference to Military Works Department Notification No. 58, dated the 13th November 1884, Deputy Commissary and Honorary Lieutenant C. Atkinson, Assistant Engineer, is posted to the Quetta Division. He joined the Division on the afternoon of the 8th November 1884.

No. 16.—With reference to Notification No. 11, dated the 15th September 1884, Lieutenant E. H. Hemming, R.E., Assistant Engineer, 2nd Grade, reported his arrival in the Sibi Division on the forenoon of the 22nd November.

By Order,

W. P. TOMKINS, *Major, R.E.,*
Secy. to the Agent to the Govr. Genl. for Biluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 11th December 1884.

No. 3791.—The services of 2nd Class Hospital Assistant Balikram, lately in charge of Ramnuggur Dispensary in the Baghelkhand Political Agency, are dispensed with from the 23rd August 1884.

The 15th December 1884.

No. 3819.—With reference to Foreign Department Notification No. 1596 G., dated 18th August 1884, Lieutenant-Colonel M. G. Gerard, C.B., Officiating 2nd-in-Command, 2nd Regiment, Central India Horse, resumed charge of his duties as Political Assistant, Goona, from Captain A. Masters, on the forenoon of the 1st December 1884.

By Order,

D. ROBERTSON, *Captain,*
1st Asst. Agent to the Govr. Genl. for Central India.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 11th December 1884.

No. 28.—M. Abdul Rahman, Chief Clerk in the Court of the Civil and Sessions Judge of the Civil and Military Station of Bangalore, is appointed Sub-Registrar of the Civil and Military Station, in addition to his own duties, *vice* Mr. A. B. Bride, deceased.

By Order,

H. WYLIE, *Major,*
Assistant to the Resident.

NORTHERN INDIA SALT REVENUE DEPARTMENT.

NOTIFICATION.

Agra, the 12th December 1884.

No. 283.—Mr. W. Siddons, Inspector and Personal Assistant to Commissioner, Northern India Salt Revenue, is appointed Assistant Commissioner and Personal Assistant to Commissioner, with effect from the 21st November 1884.

A. D. CAREY,
Commr., Northern India Salt Revenue.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that about the month of December 1882, the treasure described below and valued at R63-12 was found under ground while digging the foundation of a hut in Uppinakudru village, Coondapoor Taluq, South Canara District :—

Description of Property.	*Value.* R a. p.
Eight pagodas (of which three appear to have been converted into a pair of bangles by the person to whom the same were sold by the finder)	24 0 0
Fourteen half pagodas . . .	29 12 0
TOTAL .	63 12 0

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of South Canara, at his Office, on the 23rd April 1885, in order to the matter being enquired into and determined according to the provisions of the said Act.

_____,
Collector.

SOUTH CANARA COLLECTOR'S OFFICE,
MANGALORE,
The 6th December 1884.

NOTICE

Is hereby given that the head-quarters of the Executive Engineer, Saugor Division, Military Works, will be removed from Saugor to Jubbulpore between 20th December 1884 and 1st January 1885; all letters intended to reach his office after 19th December 1884 should be addressed to Jubbulpore.

CHAS. C. ELLIS, *Captain, R.E.,*
Executive Engineer, Saugor Division, Military Works.

SAUGOR,
The 10th December 1884.

NOTICE.

Tenders are invited for the lease, for three years, of the Manihari Lime Hill belonging to Government, near the banks of the Ganges, opposite to East Indian Railway Station Sahebgunge. The tenders will be received up to the 28th of February 1885. The Collector of Purneah will not be bound to accept the highest or any bid.

A. WEEKES,
Collector.

COLLECTOR'S OFFICE,
PURNEAH,
The 15th December 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 16th December 1884.

LIABILITIES.	₹	a.	p.	₹	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,296	4	4
Public Deposits at Head Office	94,34,556	3	8	1,72,83,078	5	7
Public Deposits at Branches	78,48,522	1	11			
Other Deposits at Head Office and Branches				2,98,43,443	14	9
Bank Post Bills, &c.				2,52,674	6	11
Sundries				15,96,017	9	11
RUPEES				7,31,34,510	9	6

ASSETS.	₹	a.	p.	₹	a.	p.
Government Securities				67,97,798	0	0
Other authorized Investments				37,29,305	0	0
Loans on Government and other authorized Securities				91,43,202	12	10
Accounts of Credit on Government and other authorized Securities				84,79,919	5	11
Bills discounted and purchased				1,60,37,041	15	5
Balances with other Banks				5,70,882	7	11
Bullion				28,105	4	5
Dead Stock				11,89,267	1	8
Stamps				8,320	5	0
Sundries				6,63,991	12	9
				4,66,47,834	1	11
Cash and Currency Notes at Head Office	1,15,99,777	7	5	2,64,86,676	7	7
Cash and Currency Notes at Branches	1,48,86,899	0	2			
RUPEES				7,31,34,510	9	6

BANK OF BENGAL,
Calcutta, 18th December 1884.

J. GORDON,
Chief Accti. & Depy. Secretary.
Rate for Demand Loans 4 per cent.
Percentage 54.

By order of the Directors.
R. HARDIE,
Secy. & Treasurer.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Dec. 8	1,35,233	1,43,427	. . .	1,35,233	1,47,93,863	1,20,81,961
,, 9	. . .	1,43,137	. . .	1,35,233	1,46,93,863	1,19,15,302
,, 10	.	84,360	. . .	1,35,233	1,44,93,863	1,18,20,221
,, 11	1,232	1,38,113	. . .	1,36,465	1,43,93,863	1,16,88,289
,, 12	4,90,448	1,64,014	1,277	6,25,703	1,41,95,167	1,15,22,242
,, 13	. . .	. . .	. . .	6,25,703	1,41,95,167	1,15,22,232

R. V. RIDDELL, *Major, R.E.*,
Mint Master.

CALCUTTA MINT.
The 16th December 1884.

CURRENCY NOTES.

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

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

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Subscription for Supplement only .	6	0	0
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By an order of Government, all subscriptions must be paid *in advance*.

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

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

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

CALCUTTA UNIVERSITY.

NOTICE.

The University Examinations in Arts, Law and Medicine of 1885 will be held on the undermentioned dates:—

Entrance Examination and First Examination in Arts and B. A. Examination on Monday, the 13th April, and following days.

B. L. and the Medical Examinations on Monday, the 2nd March, and following days.

Applications from candidates for admission to the Entrance, First Arts and B. A. Examinations must be lodged with the Registrar on or before the 2nd March.

Applications from candidates for admission to the B. L. and Medical Examinations must be lodged with the Registrar before the 2nd and 16th February, respectively.

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

By Order of the Vice-Chancellor,

CHARLES H. TAWNEY,
Registrar.

Senate House,
The 13th December 1884.

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

The following changes in the Regulations and Bye-laws of the University having been sanctioned by the Senate and approved by His Excellency the Governor General in Council, are published for general information.

In the form of application for the Entrance Examination (Calendar 1884-85, page 76), the

words "in my presence" have been added to the certificate to be signed by the Principal or Head Master of the College at which the candidate has been educated, after the words "signed the above application :" and also in the same form under the head of *particulars to be filled in by the candidate* the words "age in years and months" have been substituted for the words "age on the 1st of January next."

In paragraph 1 of the Bye-laws having reference to the Syndicate the word "ten" has been substituted for the word "six" and after the word "proportions" the word "five" has been substituted for the word "three," and after the word "Arts" the word "two" has been substituted for the word "one," and after the word "Law" the word "two" has been substituted for the word "one" (Calendar 1884-85, page 30), so that the paragraph will henceforth run as follows :—

"The Executive Government of the University shall be vested in a Syndicate consisting of the Vice-Chancellor and ten of the Fellows, who shall be elected for one year by the several Faculties in the following proportions :—

Five by the Faculty of Arts.

Two by the Faculty of Law.

Two by the Faculty of Medicine.

One by the Faculty of Engineering."

In paragraph 3 of the Regulations for the Entrance and First Arts Examinations and in paragraph 4 of the Regulations for the B. A. Examination (Calendar 1884-85, pages 33, 35, 39) the words "six weeks" have been substituted for the words "thirty days."

The following changes have been made in the forms of application of female candidates prescribed in Appendix A for the First Arts and B. A. Examinations.

In the form of application prescribed for the First Examination in Arts (Calendar 1884-85, page 88) for the present list of particulars to be filled in by the candidate, the following list has been substituted, *viz.*:—

Particulars to be filled in by the Candidate.

Date of Entrance—

Race (*i. e.*, nation, tribe, &c., &c.)—

Religion—

Where to be examined—

Whether she has appeared at the First Arts Examination of any previous year—

Language in which, besides English, to be examined—

Alternative subject (*Physics or Botany*)—

In the form of application prescribed in Appendix A for the B. A. Examination (Calendar 1884-85, page 89) for the present list of particulars to be filled in by the candidate the following list has been substituted, *viz.*:—

Particulars to be filled in by the Candidate.

Date of Entrance—

Date of passing the First Examination in Arts—

Race (*i.e.*, nation, tribe, &c., &c.)—

Religion—

Where to be examined—

Whether she has appeared at the B. A. examination of any previous year—

Whether she takes up the A Course or the B Course—

Subjects in which she desires to be examined.

No.	Pass.	Honours.
1		
2		
3		

N.B.—(1) *It must be definitely shewn whether the candidate takes up the Pass or the Honour Course in each subject by entering it in its appropriate column.*

(2) *It must be definitely stated which alternative subject and which alternative sub-division of each subject the candidate takes up.*

(*Thus* [*A Course*] "3. Second language Latin, *or* 3. History of England, Greece, and Rome; *or* [*B Course*] 3. Physiology and Botany.")

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 22nd December 1884.

SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

NOTIFICATION.

Dehra Dún, the 18th December 1884.

No. 14.—Mr. J. Bond, Officiating Surveyor, 4th Grade, Survey of India, is allowed privilege leave for one month under Section 136, Chapter X of the Civil Leave Code, with effect from the forenoon of 12th January 1885, or such subsequent date as he may be able to avail himself of it.

C. T. HAIG, *Colonel, R.E.*,
Offg. Depy. Surveyor General, in charge Trigonometrical Surveys.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 19th December 1884.

No. 3858.—Surgeon A. H. C. Dane, M.D., in medical charge Bhopal Battalion and Political Agency, is granted privilege leave for twenty-five days from the 14th January 1885, or such subsequent date as he may avail himself of it.

The 20th December 1884.

No. 3889.—Sahibzada Wahid-ud-din, Attaché to the Agent to the Governor General for Central India, returned from the privilege leave granted to him in this office Notification No. 2892 of the 9th September last, and resumed charge of his duties on the forenoon of the 19th instant.

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

No. 3890.—It is hereby notified, under Chapter 18, Rule 14-2, of the Civil Account Code, that Sahibzada Wahid-ud-din, Attaché to the Governor General's Agent in Central India, resumed charge of the Indore Treasury, from Captain C. W. Ravenshaw, 2nd Assistant Agent to the Governor General, on the forenoon of the 19th instant.

By Order,

C. W. RAVENSHAW, *Captain*,
for *1st Asst. Agent to the Govr. Genl. for Central India.*

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATION.

Abu, the 16th December 1884.

No. 3670 *G.*—With reference to Military Department Notification No. 596, dated the 7th of November 1884, Major J. H. L. Greenfield, 2nd-in-Command, Deoli Irregular Force, is granted privilege leave from the 18th of March to the 15th of June 1884, both days inclusive.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

RESIDENT IN MYSORE.

NOTIFICATIONS.

Bangalore, the 19th December 1884.

No. 11.—Whereas by the Foreign Department Notification No. 2252I., dated the 7th August 1883, the Indian Christian Marriage Act, 1872, was with certain modifications declared to apply to the Civil and Military Station of Bangalore so far as regards marriages between persons one of whom is a Native Christian subject of Mysore, and neither of whom is a Christian British subject :

In exercise of the powers conferred by Sections 7 and 9, respectively, of the Act as so declared in force, the Resident in Mysore is pleased (*a*) to appoint the Reverend Benjamin Peters, a Missionary of the Methodist Episcopal Church, to be Marriage Registrar for the territories included in the Civil and Military Station of Bangalore, and (*b*) to license the said Reverend Benjamin Peters to grant certificates of marriage within the said territories between Native Christians, one of whom is a Native Christian subject of Mysore, and neither of whom is a British subject.

No. 12.—Whereas by the Foreign Department Notification No. 2252I., dated the 7th August 1883, the Indian Christian Marriage Act, 1872, was with certain modifications declared to apply to the Civil and Military Station of Bangalore, so far as regards marriages between persons one of whom is a Native Christian subject of Mysore and neither of whom is a Christian British subject :

In exercise of the powers conferred by Section 6 of the Act as so declared in force, the Resident in Mysore is pleased to license the Reverend Benjamin Robinson, the Reverend William W. Holdsworth, and the Reverend T. Luke, Ministers of the Wesleyan Mission, to solemnize marriages within the Civil and Military Station of Bangalore between persons one of whom is a Native Christian subject of Mysore and neither of whom is a Christian British subject.

By Order,

H. WYLIE, *Major*,
Assistant to the Resident.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 19th December 1884.

No. 82.—With reference to Public Works Notification No. 294, dated 11th December 1884, Mr. S. C. G. Wood, Class IV, Superior Revenue Establishment of State Railways, Traffic Department, is posted to the Rajputana-Malwa State Railway.

The 26th December 1884.

No. 83.—With reference to Public Works Department Notification No. 315, dated the 20th December 1884, Mr. C. F. Gilbert, Assistant Engineer, 1st grade, is posted to the Sind-Peshin State Railway, Northern Section.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

Report of a Deserter from the 2nd Battalion, Royal Warwickshire Regiment of Foot, dated at Fort William, this 20th day of December 1884.

Number, Rank, and Name,—No. 554, Private John Barton.	**At what Place Enlisted,—Warwick.**
Age,—36 years.	Parish and County in which Born,—St. Martins-le-Grand, London.
Size,—5 feet 6¼ inches.	Marks,—
Colour of—	Trade,—Musician.
Complexion, fresh; Hair, dark brown; Eyes, blue.	Coat or Jacket,— / Waistcoat,— / Breeches or Trowsers,— } Regimental serge clothing.
Date of Desertion,—15th December 1884.	REMARKS,—Limps slightly on his left leg. Toes turned inwards.
Place of Desertion,—Fort William, Calcutta.	Under 9 years' service.
Date of Enlistment,—25th October 1876.	

L. B. HOLE, *Lieut.-Colonel*,
Comdg. 2nd Battn., Royal Warwickshire Regt.

Report of a Deserter from the 1st Battalion, Royal Welsh Fusiliers, dated at Dum-Dum, this 19th day of December 1884.

Number, Rank, and Name,—No. 275, Private Thomas Williams.	**At what Place Enlisted,—Wrexham.**
Age,—21 years 3 months.	Parish and County in which Born,—Wrexham, Denbighshire.
Size,—5 feet 5½ inches.	Marks,—None.
Colour of—	Trade,—Collier.
Complexion, fresh; Hair, brown; Eyes, grey.	Coat or Jacket,— / Waistcoat,— / Breeches or Trowsers— } Regimentals.
Date of Desertion,—19th December 1884.	REMARKS,—
Place of Desertion,—Dum-Dum.	Under 2 years' service.
Date of Enlistment,—19th January 1883.	

C. ELGEE, *Colonel*,
Comdg. 1st Battn., Royal Welsh Fusiliers.

Report of a Deserter from the 1st Battalion, Rifle Brigade, dated at Poona, this 20th day of December 1884.

Number, Rank, and Name,—No. 1838, Private J. Dalby.	At what Place Enlisted,—York.
Age,—About 31 years.	Parish and County in which Born,—Willoughby, Leicester, England.
Size,—5 feet 5 inches.	Marks,—None.
Colour of—Complexion, fresh; Hair, light brown; Eyes, grey.	Trade,—Labourer.
Date of Desertion,—19th December 1884.	Coat or Jacket.—*Nil.*
Place of Desertion,—Poona.	Waistcoat,—*Nil.*
Date of Enlistment,—12th October 1877.	Breeches or Trowsers,—White canvas.*
	REMARKS.—Deserted from Poona Military Prison.
	Under 7 years' service.

* All clothes marked P. M. P.

G. C. ROUPELL, *Captain,*
Brigade Major.

Report of a Deserter from the D Battery, 2nd Brigade, Royal Artillery, dated at Poona, this 20th day of December 1884.

Number, Rank, and Name,—No. R.A.—11491, Gunner H. Smith.	Parish and County in which Born,—St. Michael's, Leicestershire, England.
Age,—About 28 years.	Marks,—Tattoo marks on left arm below elbow, elongated on outside of left thigh.
Size,—5 feet 8 inches.	Trade,—Labourer.
Colour of—Complexion, light; Hair, brown; Eyes, brown.	Coat or Jacket,—*Nil.*
Date of Desertion,—19th December 1884.	Waistcoat,—*Nil.*
Place of Desertion,—Poona.	Breeches or Trowsers,—White canvas.*
Date of Enlistment,—19th June 1880.	REMARKS,—Deserted from Poona Military Prison.
At what Place Enlisted,—Weedon.	Under 5 years' service.

* All clothes marked P. M. P.

G. C. ROUPELL, *Captain,*
Brigade Major.

Report of a Deserter from the 1st Battalion, Regiment of Royal Welsh Fusiliers, dated at Dum Dum, this 24th day of December 1884.

Number, Rank, and Name,—No. 57, Boy Hugh Jones Ellis.	At what Place Enlisted,—Pembroke Dock, South Wales.
Age,—17 years.	Parish and County in which Born,—Oswestry, Shropshire.
Size,—4 feet 11 inches.	Marks,—None.
Colour of—Complexion, fair; Hair, light brown; Eyes, light grey.	Trade,—None.
Date of Desertion,—8th December 1884.	Coat or Jacket,— } Regimentals.
Place of Desertion,—Dum Dum.	Waistcoat,— . } Regimentals.
Date of Enlistment,—4th January 1882.	Breeches or Trowsers,— . } Regimentals.
	REMARKS,— Under 3 years' service.

C. ELGEE, *Colonel,*
Comdg. 1st Battn., R. W. Fusrs.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that on the 27th day of October 1884, treasure, consisting of the undermentioned articles valued at R5-4 was found hidden in a quarry land now being worked by the Cuddapah and Nellore State Railway in the village of Elajamir in the Kalabasti Zemindari, North Arcot District:—

Description of Property.	*Estimated Value.* R	a.	p.
1. Round flat-topped soap-stone box	0	4	0
2. Two gold ornaments worn by females	2	8	0
3. Two bent gold rings worn by females	2	8	0
TOTAL .	5	4	0

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of North Arcot, at his Office, on the 2nd day of March 1885, in order to the matter being enquired into and determined according to the provisions of the Act.

H. STOKES,
Collector.

NORTH ARCOT COLLECTOR'S OFFICE,
CHITTOOR,
The 16th December 1884.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on the 20th September 1884, images and a bell as below, valued at R750, were discovered by P. Rama Naicken, when clearing the foundations of the Savundera Narayana Perumal Pagoda in the village of Patraperumbadur, in the Trivellore Taluq, Chingleput District, in the Presidency of Madras:—

Vaikuntavasar, with pedestal.
Kothandaramaswami, with pedestal.
Seethaparattyamman.
Lukshmana Perumal.
Hunumunthar.
Krishnaswami, with brackets.
Incarnation of Serpent (Seshavathar).
Srinivasar, with brackets, small.
Srinivasar, large.
Srinivasar, small.
Varathar.
Sakkarathazhvar.
Veera Ragavaswamiar, with brackets.
Adikesavar.
Selvar.
Bracket.
Cracked bell.

All persons claiming the abovementioned treasure are hereby required to appear personally or by agent before the undersigned at Saidapet on the 1st May 1885.

J. F. PRICE,
Collector.

CHINGLEPUT DISTRICT COLLECTOR'S OFFICE,
SAIDAPET,
The 15th December 1884.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th December 1884.

PARTICULARS.	3½ per cent. Transfer Loan of 1863-64	4 per cent. Loans: Of 1853-54.	Of 1856-57.	Of 1862-63.	Of 1864-65.	Transfer 4 per cent. Loan of 1866.	Reduced 4 per cent. Loan of 1879.	Total.	4½ per cent. Loans: Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.	Transfer Loan of 1879, Seven Shillings per cent. Portion.	5 per cent. Loan of 1865-67.	GRAND TOTAL.
Balance of 30th November 1884	54,100	13,40,200	27,90,100	2,33,05,300	8,65,300	2,96,77,137	2,41,57,100	9,11,35,137	45,75,200	94,90,300	10,21,31,400	11,61,96,900	1,24,000	32,700	20,75,43,803
Add—															
Amount enfaced at Madras between 1st and 15th December 1884						5,000	1,000	4,000			14,000	14,000			18,000
Amount enfaced at Bombay between 1st and 15th December 1884			13,500	68,500	7,000	54,500	19,000	1,62,500	11,000	6,500	28,100	45,600			1,98,100
Amount enfaced at Calcutta between 1st and 15th December 1884		53,440	15,200	1,71,100	20,000	2,17,700		4,86,540	1,000	1,000	12,500	13,500			5,00,040
	54,100	13,93,640	28,18,800	2,35,34,900	28,51,300	2,99,52,337	2,41,57,100	9,17,78,143	45,86,200	94,97,800	10,21,86,000	11,62,70,000	1,24,000	32,700	20,82,58,943
Deduct—															
Amount written off in the London Registers			500	2,00,200	62,400	1,79,200	62,900	4,84,200			82,500	82,500			5,76,700
Balance on 15th December 1884	54,100	13,93,640	28,18,400	2,33,35,700	27,88,900	2,97,73,137	2,40,94,200	9,12,83,943	45,86,200	94,97,800	10,21,03,500	11,61,87,500	1,24,000	32,700	20,76,82,243

NOTE.—From 9th June 1867 to 15th Oct. 1884, enfaced from India 4,054 lakhs; re-transferred from London 4,328 lakhs.
" 16th Oct. 1884 to 31st " " " " 3 " "
" 1st Nov. " to 15th Nov. " " " " 10 " "
" 16th " " to 30th " " " " 13 " "
" 1st Dec. " to 16th Dec. " " " " 5 " "
4,359 lakhs.

Balance against India . . . . . 4,079 lakhs.
" 4,359 "
" 750 rupees.

R. HARDIE,
Secretary and Treasurer.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 17th December 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 20th December 1884

LIABILITIES.				₹	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,271	4	4
	₹	a.	p.			
Public Deposits at Head Office	84,70,673	10	11	1,64,67,591	0	11
Public Deposits at Branches	79,96,917	6	0			
Other Deposits at Head Office and Branches				2,96,66,192	6	11
Bank Post Bills, &c.				2,51,211	11	2
Sundries				16,63,040	15	4
RUPEES				7,22,07,307	6	8

ASSETS.				₹	a.	p.
Government Securities				62,06,328	0	0
Other authorized Investments				37,31,055	0	0
Loans on Government and other authorized Securities				93,61,935	8	6
Accounts of Credit on Government and other authorized Securities				90,58,781	2	7
Bills discounted and purchased				1,60,49,366	8	2
Balances with other Banks				5,03,176	5	11
Bullion				27,389	2	5
Dead Stock				11,89,100	10	9
Stamps				7,696	14	0
Sundries				6,64,063	1	10
				4,67,98,892	6	2
	₹	a.	p.			
Cash and Currency Notes at Head Office	1,64,01,035	3	1	2,54,08,415	0	6
Cash and Currency Notes at Branches	1,50,07,379	13	5			
RUPEES				7,22,07,307	6	8

BANK OF BENGAL,
Calcutta, 23rd December 1884.

J. GORDON,
Chief Accts. & Depy. Secretary.
Rate for Demand Loans 5 per cent.
Percentage 52·8.

By order of the Directors,
R. HARDIE,
Secy. & Treasurer.

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

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed	Held on account of the Currency Department.
1884.	₹	₹	₹	₹	₹	₹
Dec. 15	. . .	1,64,492	1,42,553	4,91,970	1,42,60,778	1,14,99,995
„ 16	. . .	1,63,444	1,288	4,90,754	1,40,42,033	1,13,31,530
„ 17	. . .	1,78,091	. . .	4,90,754	1,38,42,033	1,11,52,805
„ 18	. . .	1,75,996	. . .	4,90,754	1,36,42,033	1,09,73,217
„ 19	. . .	1,76,469	2,54,758	2,51,915	1,37,02,316	1,10,53,369
„ 20	2,189	1,86,390	2,67,686	3,084	1,38,75,642	1,11,36,601

R. V. RIDDELL, *Major, R E.,*
Mint Master.

CALCUTTA MINT,
The 23rd December 1884.

CURRENCY NOTES.

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

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. ₹	Name of Claimant.
36	B 79—47728	100	The Post Master, Vellore.
38	B 78—17788	50	

FORT ST. GEORGE,
The 15th December 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl.,
In charge of Paper Currency Dept.

GOVERNMENT ENGINEERING COLLEGE, HOWRAH.

An Examination for admission to the Mechanical Apprentice Class will be held at the College, on Monday and Tuesday, the 19th and 20th January 1885.

Candidates must apply in writing to the Principal of the College not later than the 10th January 1885 for permission to appear at the Examination, enclosing a certificate of good conduct and a certificate of age.

For admission to this class, candidates must be between the ages of 15 and 17 years.

The subjects of examination are :—
Arithmetic (the whole.)
Algebra (to Simple Equations.)
Euclid (Books I and II.)
English (Grammar and Composition.)

Every applicant, before admission to the College, will be examined by the College Surgeon as to his physical strength, fitness for manual labour, and eyesight. If this officer's report is unsatisfactory, the applicant will not be admitted.

Further particulars will be supplied on application to the Principal of the College.

A. W. CROFT,
Director of Public Instruction.

CALCULTA,
The 9th December 1884.

NOTICE.

Tenders are invited for the lease, for three years, of the Manihari Lime Hill belonging to Government, near the banks of the Ganges, opposite to East Indian Railway Station Sahebgunge. The tenders will be received up to the 28th of February 1885. The Collector of Purneah will not be bound to accept the highest or any bid.

A. WEEKES,
Collector.

COLLECTOR'S OFFICE,
PURNEAH,
The 15th December 1884.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 19th December 1884.

From the 1st January 1885, money orders will be issued in India for payment in any of the following British Colonies and possessions :—

South and West Africa	Newfoundland.
	Bermuda.
	Falkland Islands.
	Cape Colony.
	Gambia.
	Gold Coast.
	Lagos.
	Natal.
	St. Helena.
	Seychelles.
	Sierra Leone.
West Indies	Antigua.
	Bahamas.
	Barbadoes.
	British Guiana.
	Dominica.
	Grenada.
	Honduras (British.)
	Jamaica.
	Montserrat.
	Nevis.
	St. Kitts.
	St. Lucia.
	St. Vincent.
	Tobago.
	Trinidad.
	Turk's Islands.
	Cyprus.
	North Borneo.

2. The conditions under which money orders for payment in any of the above-named Colonies or possessions will be issued are the same as those laid down in the *Indian Postal Guide* for money orders payable in the United Kingdom. The amount of each order may not exceed £10.

3. The rates of commission payable by remitters in India on money orders drawn upon any of the countries or the places named will be the same as on money orders drawn upon the United Kingdom, *viz.* :—

	₹	a.
On sums not exceeding £ 2 Sterling	0	4
„ „ exceeding £ 2, but not exceeding £ 5	0	8
„ „ „ „ 5 „ „ „ „ 7	0	12
„ „ „ „ 7 „ „ „ „ 10	1	0

4. In addition to the above rates, a further commission will be deducted from the amount of the orders by the London Post Office before payment is made in any of the countries or places named. This further commission, which is charged for the service of forwarding the money orders, will be at the following rates :—

On orders not exceeding £ 2 Sterling in value 3*d.*
On orders exceeding £ 2, but not exceeding £5 in value . . . . . 6*d.*
On orders exceeding £ 5 but not exceeding £7 in value . . . . . 9*d.*
On orders exceeding £7 but not exceeding £ 10 in value . . . . . 1 *shilling.*

A similar deduction will be made by the London Post Office from the value of money orders that may be received for payment in India from any of the Colonies or places referred to.

5. With effect from the same date, the rate of commission chargeable upon money orders drawn on the United States of America will be reduced from 2 per cent., the rate now in force, to the rates mentioned above, and the exchange of money orders with the United States will be assimilated in all respects to that with the countries and places enumerated in the first para. of this Notice.

A. U. FANSHAWE,
Offg. Director General of the Post Office of India.

Unclaimed Letters held in the Calcutta General Post Office on 23rd December 1884.

Cameron, Geo.	Heselton, Miss A.	Perkins, S. D.
Cooke, H. J.	Hewett, G. B.	Razar & Co., W.
Death, W. E.	Hodding, G. H.	Standinger, Jul.
DeLima, J. M.	Hudson, Miss E.	Spftteller, Adolf.
Deury, G. M.	Lasayo, Antonio.	Thayer, Charles W.
Farrend, J.	Linde, F.	Thornton, J.
French, F. E.	Lucas, W. H.	Vinall, J. N.
Hadow, Col. F. E.	Macdonald & Co., Geo.	Warden, C. J. H.
Harman, R. J.	Meares, Charles.	Williams, Gwalkins.
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PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

Result of votes on Circular No. 1, dated 15th March 1884.

Subject.	Yes.	No.
Whether the compassionate allowance of R50 per month, granted to Miss A. E. Clark under circular No. 2, dated 16th April 1878, shall be continued to her for life . . .	893	288

By Order of the Directors,

W. H. Ryland,
Secretary.

Uncovenanted S. F. P. Fund;
Calcutta,
The 20th June 1884.

NOTICE.

The Depositors of the late Punjab Bank, "Limited," are required, on or before the 31st August 1884, to apply to the Official Liquidators at their Office at Lahore for payment of the Interest due upon their Claims.

Interest will be allowed from date of suspension of the late Punjab Bank to the date payment of the principal sums was made.

By order of the Court, no application received after the 31st August 1884 will be admitted.

James Walker,
for *Alliance Bank of Simla, "Limited."*
Official Liquidator, Punjab Bank, in Liquidation.
Lahore,
The 31st May 1884.

NOTICE.

The interest and responsibility of Mr. Stephen Cummins O'Brien Gray in our firm ceased on 30th June 1884.

Lyall, Gray & Co.

Calcutta,
The 1st July 1884.

PROMISSORY NOTES.

Lost

The Government Promissory Notes Nos. 078830 and 081284, of the 4 per cent. of 1842-43, for R1,000 and R500, respectively, originally standing in the names of Parbutty Churn Mookerjee and Ram Jeebun Ghose, respectively, and last endorsed to Dwarka Nath Sarkar (on behalf of Shatish Chunder Roy, minor), the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

Kishori Lal Sarkar,
93, Cornwallis Street.

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CALCUTTA, SATURDAY, JULY 12, 1884.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

HINDU FAMILY ANNUITY FUND.

An Abstract of the Audited Accounts of the Hindu Family Annuity Fund for the Quarters ended 30th June and 30th September 1883.

Receipts.	Quarter ended 30th June 1883.			Quarter ended 30th September 1883.		
	₹	a.	p.	₹	a.	p.
Subscriptions	5,805	11	6	6,145	5	6
Entrance Fees	36	0	0	23	0	0
Miscellaneous	0	2	0	0	8	0
Government of India.						
Amount withdrawn	1,093	0	0	1,088	0	0
Deposits	59	1	3	75	3	9
Opening Cash Balance	240	1	0	456	4	0
Total ₹	7,233	15	9	7,788	5	3

Disbursements.	Quarter ended 30th June 1883.			Quarter ended 30th September 1883.		
	₹	a.	p.	₹	a.	p.
Annuity	594	0	0	759	0	0
Establishment	252	0	0	252	0	0
Miscellaneous	95	13	0	102	2	0
Government of India.						
Amount deposited	5,717	10	0	6,217	13	0
Deposits	118	4	9	97	15	6
Closing Cash Balance	456	4	0	359	6	9
Total ₹	7,233	15	9	7,788	5	3

Published by order of the Directors agreeably to Rule 75.

Nursing Dass Auddy,
Secretary.

CALCUTTA,
HINDU FAMILY ANNUITY FUND OFFICE,
The 1st October 1883.

PROMISSORY NOTES.

Lost

The Government Promissory Notes Nos. 078830 and 081284, of the 4 per cent. of 1842-43, for ₹1,000 and ₹500, respectively, originally standing in the names of Parbutty Churn Mookerjee and Ram Jeebun Ghose, respectively, and last endorsed to Dwarka Nath Sarkar (on behalf of Shatish Chunder Roy, minor), the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

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CALCUTTA, SATURDAY, JULY 26, 1884.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE TO ARCHITECTS.

The Municipal Commissioner of Bombay is prepared to receive Designs and Estimates for a New Municipal Hall and Offices which must be sent in to his office on or before 12 o'clock noon on the 6th day of November next.

A premium of Five Thousand Rupees will be given to the design most approved by the Commissioner with the assistance of a Committee of the Corporation. Three thousand rupees for the second and two thousand rupees for the third. But the Municipal Commissioner will not bind himself to pay any or either of the premia until he has satisfied himself that the estimates are at least approximately accurate, and no prize will be awarded for a design unless it fairly fulfils the conditions laid down and is of recognized artistic merit.

The total cost of the building is not to exceed five lakhs (₹5,00,000) distributed approximately as follows: four lakhs for the Offices and one lakh for the Municipal Hall.

The designs to include general drawings, plans, elevations and sections accompanied by a Specification and an estimate based upon the Schedule of Rates.

Designs to be sent to the Commissioner under a *nom de plume* or motto, accompanied by a sealed letter, disclosing the name of the competitor.

Full information will be furnished on payment of ₹10 or £1 on application at the office of the Municipal Commissioner, Bombay, or at Messrs. G. W. & R. Oliver, 1, Cobbet Court, Grace Church Street, London.

The Municipal Commissioner does not bind himself to employ the architect whose design is adopted to supply working and detailed drawn or to superintend the carrying out of the work, but in the event of his so doing the usual fees sanctioned by the Institute of British Architects will be paid.

E. C. K. OLLIVANT,
Municipal Commissioner.

Municipal Commissioner's Office,
Bombay,
The 12th July 1884.

The Gazette of India.

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CALCUTTA, SATURDAY, AUGUST 2, 1884.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

8TH SUMMONS.

CIVIL SUIT No. 366 OF 1882.

Tanjore Mahomed Abdoollah, a Mahomedan Inhabitant unemployed, residing at Nos. 5, 6, and 7, Appoo Maistry's Street, in the Black Town of Madras . . *Plaintiff*,

and

Tanjore Mahomed Causim, a Mahomeden Inhabitant and the Executor with Probate of Roshen Bee, deceased, residing at No. 31, in Appoo Maistry's Street, aforesaid; and

Tanjore Mahomed Ibrahim, at present supposed to be residing at Patna, but latterly residing at No. , Appoo Maistry's Street, aforesaid . . . . *Defendants.*

Summons for settlement of Issues.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India.

To

Tanjore Mahomed Ibrahim, the 2nd Defendant.

Plaint filed on 15th November 1882. Order for 8th Summons made on 10th July 1884. Summons issued on 19th July 1884.

WHEREAS the abovenamed Plaintiff hath instituted a Suit in our said Court against you by filing a Plaint, a copy whereof accompanies this Summons, we command you to appear in our said Court in person or by an Attorney or Vakil of our said Court, duly instructed and able to answer all material questions relating to the Suit, or who shall be accompanied by some other person able to answer all such questions on Thursday, the 4th day of September 1884, at eleven o'clock in the forenoon, to answer the abovenamed Plaintiff. And take notice that in default of your appearance on the day before mentioned, the issues will be settled in your absence. And you will bring with you or send by your Attorney or Vakil any document on which you intend to rely in support of your defence. Witness, THE HONORABLE SIR CHARLES ARTHUR TURNER, KNIGHT, C.I.E., *Chief Justice*, at Madras, the 19th day of July in the Year of Our Lord One Thousand Eight Hundred and Eighty-four.

H. GARDINER,
Assistant Registrar.

GRANT & SHORT,
Plaintiff's Attorneys.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

9TH SUMMONS.

CIVIL SUIT No. 355 OF 1882.

Cundasawmy Chetty Vencatachella Chetty, of Madras, Merchant, residing at No. 94, Thumboo Chetty Street, at Moothialpettah, in the Black Town of Madras . *Plaintiff,*

against

(1) T. Mahomed Esoof Saib, of Madras, Mahomedan Inhabitant, residing at Nos. 5, 6, and 7, Appoo Maistry Street, in the Black Town of Madras ;

(2) T. Mahomed Ibrahim Saib, formerly Manager and Proprietor of the Madras Mahomedan Royal Theatrical Company, but now without employ, and residing at Patna in the Province of Bengal, in the Presidency of Fort William, Calcutta ; and

(3) T. Mahomed Abdoollah Saib, of Madras, Mahomedan Inhabitant, residing at Nos. 5, 6, and 7, Appoo Maistry Street, aforesaid . . . . . *Defendants.*

Summons for settlement of Issues.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India.

To

T. Mahomed Ibrahim Saib, the 2nd Defendant.

Plaint filed on 6th November 1882.
Order for 9th Summons made on 10th July 1884.
Summons issued on 19th July 1884.

WHEREAS the abovenamed Plaintiff hath instituted a suit in our said Court against you by filing a Plaint, a copy whereof accompanies this Summons, we command you to appear in our said Court in person or by an Attorney or Vakil of our said Court, duly instructed and able to answer all material questions relating to the Suit, or who shall be accompanied by some other person able to answer all such questions on Thursday, the 4th day of September 1884, at eleven o'clock in the forenoon, to answer the abovenamed Plaintiff. And take notice that in default of your appearance on the day before mentioned, the issues will be settled in your absence. And you will bring with you or send by your Attorney or Vakil any document on which you intend to rely in support of your defence. Witness, THE HONORABLE SIR CHARLES ARTHUR TURNER, KNIGHT, C.I.E., *Chief Justice*, at Madras, the 19th day of July in the Year of Our Lord One Thousand Eight Hundred and Eighty-four.

H. GARDINER,
Assistant Registrar.

GRANT & SHORT,
Plaintiff's Attorneys.

NOTICE.

IN THE MATTER OF THE COMPANIES' ACTS, 1862 & 1867, AND IN THE MATTER OF THE ORIENTAL BANK CORPORATION.

The Creditors of the abovenamed Company are required on or before the 20th day of November 1884 to send their names and addresses and the particulars of their debts or claims and the names and addresses of their Solicitors, if any, to Thomas Abercrombie Welton, the Official Liquidator of the abovenamed Corporation at the Oriental Bank Corporation, situate at 40, Threadneedle Street, in the City of London, England, and if so required by notice in writing from the said Official Liquidator are by their Solicitors to come in and prove their said debts or claims at the Chambers of Mr. Justice Chitty, at the Royal Courts of Justice, London, England, at such time as shall be specified in such notice or in default thereof they will be excluded from the benefit of any distribution made before such debts are proved. Monday, the 8th day of December 1884, at 11 o'clock in the forenoon at the said Chambers, is appointed for hearing and adjudicating upon the debts and claims.

N.B.—No Creditor need attend at the Chambers of Mr. Justice Chitty on the 8th day of December 1884, unless notice has been given to him or her to attend on such appointment. When the claims sent in have been allowed by the Judge, due notice will be given to the Creditors thereof.

Dated this 7th day of July 1884.

ROBERT MARSHALL,
Chief Clerk.

FRESHFIELDS & WILLIAMS,
5, Bank Buildings, London,
Solicitors for Official Liquidator.

PROMISSORY NOTES.

Lost

The Government Promissory Notes—

No. 063502, of the 4 per cent. of 1879, for ₹1,000.

No. 014514, of the 4 per cent. of 1835-36, for ₹1,000.

No. 104201, of the 4 per cent. of 1865, for ₹500.

No. 104234, of the 4 per cent. of 1865, for ₹500.

No. 011450, of the 4½ per cent. of 1870, for ₹2,500.

No. 009706, of the 4½ per cent. of 1870, for ₹3,500.

No. 011458, of the 4½ per cent. of 1870, for ₹500.

No. 011459, of the 4½ per cent. of 1870, for ₹500.

No. 078500, of the 4 per cent. of 1842-43, for ₹2,000.

originally standing in the name of Mohimachunder Mozumdar, Executor of Opendrochunder Mozumdar, and last endorsed to Mohimachunder Mozumdar, the proprietor, by whom they were never endorsed to any other person. Payment of the above notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

SOORENDROCHUNDER MOZUMDAR,
Nurendropore.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 9, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

Abstract Statement of the Uncovenanted Service Family Pension Fund for the Third Quarter ending 31st January 1884, compared with the corresponding quarter of the year 1883.

PARTICULARS.	For the 3rd quarter ending 31st Jan. 1884.	For the 3rd quarter ending 31st Jan. 1883.	Increase.	Decrease.
	₹ a. p.	₹ a. p.	₹ a. p.	₹ a. p.
Balance at credit of the Fund on the Government books at the end of the previous quarter	83,89,972 4 10	78,40,017 3 0	4,49,855 1 10	. . .
ADD RECEIPTS—				
Subscriptions from November to January in the Widows' Fund	1,18,047 9 6	1,12,926 0 1	5,121 9 5	. . .
Subscriptions from November to January in the Children's Fund	78,700 0 4	77,900 12 6	799 3 10	. . .
Entrance fees, &c., from November to January in the Charges General	460 12 0	464 11 0	. . .	3 15 0
Amount credited to Divisible surplus	237 12 0	486 12 0	. . .	249 0 0
Total Receipts	1,97,446 1 10	1,91,778 3 7	5,920 13 3	252 15 0
Grand Total	84,87,318 6 8	80,31,795 6 7	A4,55,775 15 1	252 15 0
DEDUCT PAYMENTS—				
Pensions payable to incumbents in the Widows' Fund	82,520 2 3	79,313 7 5	3,206 10 10	. . .
Ditto ditto Children's Fund	55,387 6 6	53,138 2 0	2,249 4 6	. . .
Establishment, including house rent and contingencies	8,398 12 6	9,550 4 0	. . .	1,151 7 6
Loss in exchange on remittances to England	2,959 0 5	2,848 9 9	110 6 8	. . .
Amount debited to Divisible surplus	25 8 0	. . .	25 8 0	. . .
Total payments	1,56,290 13 8	1,51,850 7 2	B5,591 14 0	1,151 7 6
Net balance in favour of the Fund exclusive of interest upon Capital	83,31,027 9 0	[illegible] 15 5	C4,50,184 1 1	[illegible] 8 6
Proportion of divisible surplus payable to Subscribers	45,[illegible] 9 0	[illegible] 0	[illegible] 0	. . .

	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.
Number of Subscribers	1,514	1,003	1,494	986	20	17	. .	. .
Ditto of Incumbents	391	562	373	546	18	16	. .	. .
Ditto of Subscribers sharing abatements	1,036	691	984	676	52	15	. .	. .

	₹ a. p.
A—Net increase in grand total receipts	4,55,523 0 1
B— Ditto in payments	1,440 6 6
C— Ditto in balance	4,51,082 9 7

H. RONALDSON, JAMES BELL, } *Auditors.*

G. W. MACLEOD, *Accountant.*

Published by order of the Directors.

W. H. RYLAND, *Secretary,*
Uncovenanted Service Family Pension Fund.

FUND OFFICE,
The 22nd July 1884.

NOTICE.

IN THE MATTER OF THE COMPANIES' ACTS, 1862 & 1867, AND IN THE MATTER OF THE ORIENTAL BANK CORPORATION.

The Creditors of the abovenamed Company are required on or before the 20th day of November 1884 to send their names and addresses and the particulars of their debts or claims and the names and addresses of their Solicitors, if any, to Thomas Abercrombie Welton, the Official Liquidator of the abovenamed Corporation at the Oriental Bank Corporation, situate at 40, Threadneedle Street, in the City of London, England, and if so required by notice in writing from the said Official Liquidator are by their Solicitors to come in and prove their said debts or claims at the Chambers of Mr. Justice Chitty, at the Royal Courts of Justice, London, England, at such time as shall be specified in such notice or in default thereof they will be excluded from the benefit of any distribution made before such debts are proved. Monday, the 8th day of December 1884, at 11 o'clock in the forenoon at the said Chambers, is appointed for hearing and adjudicating upon the debts and claims.

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Dated this 7th day of July 1884.

ROBERT MARSHALL,
Chief Clerk.

FRESHFIELDS & WILLIAMS,
5, Bank Buildings, London,
Solicitors for Official Liquidator.

NOTICE

Is hereby given that immediate steps will be taken to recover the amount secured to Khesi Das Agarwallah and Luchman Das, of Dibrugarh, Assam, by Mr. Henry Shaw Wyllie, of Dibrugarh, in a mortgage bond, dated the 23rd day of August 1880, registered before the Sub-Registrar of Dibrugarh on the 24th day of August 1880,—the whereabouts of the said Mr. Henry Shaw Wyllie could not be traced since the beginning of 1883. The interest of Luchman Das in the abovementioned bond has been lawfully transferred to Khesi Das aforesaid.

NANDALAL BANERJEE,
Pleader for Khesi Das Agarwallah.

DIBRUGARH,
The 30th July 1884.

PROMISSORY NOTES.

Lost

The Government Promissory Notes—

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No. 014514, of the 4 per cent. of 1835-36, for ₹1,000.

No. 104201, of the 4 per cent. of 1865, for ₹500.

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No. 011459, of the 4½ per cent. of 1870, for ₹500.

No. 078500, of the 4 per cent. of 1842-43, for ₹2,000.

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SOORENDROCHUNDER MOZUMDAR,
Nurendropore.

Lost

Provincial Debenture of Muthra and Hathras Light Railway Loan, No. 000019, of the 4 per cent., for ₹5,000, originally standing in the name of Kanwar Sham Pershad, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

KANWAR SHAM PERSHAD,
Tehseeldar of Iglas, Zilla Aligarh.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 16, 1884.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

BENGAL CIVIL FUND.

At the half-yearly General Meeting of Subscribers to the Bengal Civil Fund held at the Town Hall on Monday, the 28th July 1884, at 10 a. m.

PRESENT:—The Hon'ble Mr. Justice Prinsep; the Hon'ble Mr. Justice Tottenham; A. Smith, Esq., M.A.; H. L. Harrison, Esq., B.A.; D. R. Lyall, Esq.; E. F. T. Atkinson, Esq., B.A.; W. H. Grimley, Esq., B.A.; H. J. S. Cotton, Esq.; R. Logan, Esq.; F. R. S. Collier, Esq.; C. S. Bayley, Esq.

A. Smith, Esq., in the Chair.

The following report was presented by the Managers of the proceedings for the past half-year.

Report.

1. The Managers submit the proceedings of the past half-year for the consideration and sanction of the meeting:—

2. Subject to the approval of the subscribers, they have admitted to the benefits of the Fund the following families:—

Mrs. Armstrong	...	...	£ 300
Two daughters	...	...	,, 200
	Total	...	£ 500

The widow and two daughters of the late Mr. H. Armstrong, an annuitant of 1851, who died in London on the 18th November 1883;

Mrs. Skinner	...	...	£ 300
Daughter	...	...	,, 100
	Total	...	£ 400

The widow and one daughter of the late Mr. Russell M. Skinner, an annuitant of 1858, who died in London on the 5th February 1884;

Mrs. Armstrong	...	...	£ 300
Two sons	...	...	,, 140
Two daughters	...	...	,, 180
	Total	...	£ 620

The widow and four children (two sons and two daughters) of the late Mr. J. Samuel Armstrong, who died in Germany on the 6th February 1884;

Lady Bayley	...	...	£ 300
One son	...	...	,, 150
Five daughters	...	...	,, 500
	Total	...	£ 950

The widow and six children (one son and five daughters) of the late Sir Edward Clive Bayley, K.C.S.I., C.I.E., an annuitant of 1878, who died at Wilmington on the 30th April 1884; and

Mrs. Carter	...	...	£ 300
Two daughters	...	...	,, 200
	Total	...	£ 500

The widow and two daughters of the late Mr. J. H. Carter, who died at Plymouth on the 4th May 1884;

3. The votes of the subscribers have affirmed the resolution passed at the General Meeting of the 28th January last, respecting the proposal to transfer the Fund to the Government. The following votes were recorded:—

	For.	Against.
Active subscribers in India	259	9
Ditto in England	43	2
Annuitants	182	1
Total ...	484	12

The matter being one of great importance to the Service, the Managers are anxious to have the benefit, in dealing with it, of the advice and assistance of their late colleague Mr. Westland. They propose therefore to defer making any communication regarding it to the Government until Mr. Westland's return to India, which will probably take place in the middle of September next.

4. The proposed grant of a good service pension to Mr. J. Wetherill was also confirmed, 213 subscribers having voted for, and 3 against the proposal.

5. The Managers have under Article XVI announced their intention to propose—

"That they be authorised, in accordance with the opinion of Counsel, to refund to Mrs. Bruce Lane, with interest at 5 per cent., the subscriptions paid by her to keep up her late husband's interest in the Fund."

The facts of the case, which was one of considerable difficulty, are fully set forth in the appendix to this report, from which it will be seen that the Managers felt themselves obliged to consult Counsel as to the powers of the subscribers to deal with the matter. In the opinion of Mr. Evans Mrs. Bruce Lane can never participate in the benefits of the Fund. The Managers have made a communication in accordance with this opinion to Mrs. Lane, and desire now to obtain the sanction of the subscribers to the refund, with interest, of the subscription paid by Mrs. Lane to keep alive her late husband's interest in the Fund.

6. Mr. W. C. Plowden has incurred the penalty prescribed by Article XXXVII of the Rules by failure, for more than one year, to pay the necessary subscriptions to the Fund. Mr. Plowden states that the omission was entirely due to misapprehension, as he believed that deductions on account of Fund subscriptions were being made from his allowance by the India Office. Arrears of subscription, together with interest at 8 per cent., as required by the Rules, have now been paid, and the Managers recommend Mr. Plowden's case to the favourable consideration of the Meeting.

Mr. H. Lushington has incurred the penalty prescribed by Article XXXVII of the Rules, by his omission, for more than one year, to pay the necessary subscriptions to the Fund on his annuity. Mr. Lushington states that he was not aware of the existence of Article XXXVII, and that he supposed that "in the absence of any machinery for collecting the subscriptions of annuitants in this country, all arrears, if any, due by subscribers at home, after decease would be deducted from the pensions of widows and children." Mr. Lushington has now paid all arrears of subscription, together with interest at 8 per cent., as required by the Rules, and the Managers recommend his case to the favourable consideration of the Meeting.

Mr. J. H. Prinsep has incurred the penalty prescribed by Article XXXVII of the Rules by failure, for more than one year, to pay subscriptions to the Fund on his annuity. Mr. Prinsep states that he has been under the impression that the amount deducted by the India Office from his quarterly annuity represented both deductions on account of income tax and subscriptions to the Civil Fund. Mr. Prinsep has now paid all arrears of subscription, together with interest at 8 per cent. as required by the Rules, and the Managers recommend his case to the favourable consideration of the Meeting.

Mr. C. Steer has incurred the penalty prescribed by Article XXXVII of the Rules by his omission, for more than one year, to pay subscriptions to the Fund on his annuity. Mr. Steer states that the omission was due to an oversight. All arrears of subscription, together with interest at 8 per cent., as required by the Rules, have now been paid by Mr. Steer, and the Managers recommend his case to the favourable consideration of the Meeting.

Mr. R. D. Hime, who retired on an invalid annuity, with effect from the 8th September 1881, has incurred the penalty prescribed by Article XXXVII of the Rules by his omission, for more than one year, to pay subscriptions to the Fund. Mr. Hime states that owing to his ignorance of the Rules, he was not aware that he could obtain any benefits from the Fund either immediately or prospectively, owing to the fact that at the time of his retirement he had neither wife nor child. Having married again, he is anxious to secure, if possible, the benefits of the Fund to his wife and to any children whom he may leave at his death. As all arrears of subscription, together with interest at 8 per cent., have now been paid by Mr. Hime, the Managers recommend his case to the favourable consideration of the Meeting.

7. An application has been received from Mrs. C. Chapman, widow of Mr. C. Chapman, for an increase to the pension of her son, Mr. Edmund Frere Chapman, who is incapacitated from earning his own livelihood. Mrs. Chapman on a former occasion requested that her son's name might be allowed to continue on the list of incumbents after he had attained the age of 21 years, and the Managers granted the request. This circumstance was reported in the proceedings of the General Meeting of the 29th January 1883, and was confirmed by the subscribers present. Mrs. Chapman now states that her son's mental condition is such as to necessitate his being placed under the charge of a medical man at great expense. The Managers, taking into consideration the fact that Mrs. Chapman is dependent entirely on her pension, and that the cost of the maintenance of her son exceeds £100 a year have, under the powers vested in them by Article XXIX of the Rules, granted, until further orders, the full pension of £150 a year to Mr. E. F. Chapman.

8. In accordance with Article XXII of the Rules, the Managers have to report that the Hon'ble Mr. Justice O'Kinealy having on his departure from India on leave resigned his office as an elected Manager, they have elected the Hon'ble Mr. Justice Beverley to fill the vacancy thus caused.

Proposed by *Mr. Lyall*, seconded by *Mr. Logan*, and carried unanimously—

That the Managers' proceedings in admitting the families of the late Messrs. H. Armstrong, Russell M. Skinner, J. Samuel Armstrong, Sir Edward Clive Bayley, K.C.S.I., C.I.E., and Mr. J. H. Carter to the benefits of the Fund be confirmed.

Proposed by *Mr. Collier*, seconded by *Mr. Atkinson*, and carried unanimously—

That the Managers be authorized, in accordance with the opinion of Counsel and, subject to the approval of the Service, to sanction the refund, with interest, of the subscriptions paid by Mrs. Lane to keep alive her late husband's interest in the Fund.

Proposed by *Mr. Cotton*, seconded by *Mr. Logan*, and carried unanimously—

That Messrs. W. C. Plowden, H. Lushington, J. H. Prinsep, C. Steer, and R. D. Hime be restored to the rights of subscribers.

Proposed by *Mr. Logan*, seconded by *Mr. Lyall*, and carried unanimously—

That the action of the Managers in allowing Mr. E. F. Chapman to draw the full pension of £150 a year, until futher orders, be approved and confirmed.

A vote of thanks to the Chairman was proposed by *Mr. Harrison*, seconded by *Mr. Justice Tottenham*, and carried unanimously.

BENGAL CIVIL FUND:
The 28th July 1884.

A. SMITH,
Chairman.

NOTICE.

IN THE MATTER OF THE COMPANIES' ACTS, 1862 & 1867, AND IN THE MATTER OF THE ORIENTAL BANK CORPORATION.

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Dated this 7th day of July 1884.

ROBERT MARSHALL,
Chief Clerk.

FRESHFIELDS & WILLIAMS,
5, Bank Buildings, London,
Solicitors for Official Liquidator.

NOTICE

Is hereby given that immediate steps will be taken to recover the amount secured to Khesi Das Agarwallah and Luchman Das, of Dibrugarh, Assam, by Mr. Henry Shaw Wyllie, of Dibrugarh, in a mortgage bond, dated the 23rd day of August 1880, registered before the Sub-Registrar of Dibrugarh on the 24th day of August 1880,—the whereabouts of the said Mr. Henry Shaw Wyllie could not be traced since the beginning of 1883. The interest of Luchman Das in the abovementioned bond has been lawfully transferred to Khesi Das aforesaid.

NANDALAL BANERJEE,
Pleader for Khesi Das Agarwallah.

DIBRUGARH,
The 30th July 1884.

PROMISSORY NOTES.

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SOORENDROCHUNDER MOZUMDAR,
Nurendropore.

Lost

Provincial Debenture of Muthra and Hathras Light Railway Loan, No. 000019, of the 4 per cent., for ₹5,000, originally standing in the name of Kanwar Sham Pershad, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

KANWAR SHAM PERSHAD,
Tehseeldar of Iglas, Zilla Aligarh.

Lost

The Government Promissory Note No. 096652—044356, of the 4 per cent. loan of 1865, for ₹1,000, originally standing in the name of the Oriental Bank Corporation, and lastly blank endorsed by the Agra Bank, Limited. Payment of the above note and the interest thereon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favour of the proprietor.

For the National Bank of India, Limited.

JOHN KYD,
Manager.

100, ARMENIAN STREET,
BLACK TOWN, MADRAS,
The 5th August 1884.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 23, 1884.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE

Is hereby given that immediate steps will be taken to recover the amount secured to Khesi Das Agarwallah and Luchman Das, of Dibrugarh, Assam, by Mr. Henry Shaw Wyllie, of Dibrugarh, in a mortgage bond, dated the 23rd day of August 1880, registered before the Sub-Registrar of Dibrugarh on the 24th day of August 1880,—the whereabouts of the said Mr. Henry Shaw Wyllie could not be traced since the beginning of 1883. The interest of Luchman Das in the abovementioned bond has been lawfully transferred to Khesi Das aforesaid.

NANDALAL BANERJEE,
Pleader for Khesi Das Agarwallah.

DIBRUGARH,
The 30th July 1884.

PROMISSORY NOTES.

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Provincial Debenture of Muthra and Hathras Light Railway Loan, No. 000019, of the 4 per cent., for ₹5,000, originally standing in the name of Kanwar Sham Pershad, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

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Tehseeldar of Iglas, Zilla Aligarh.

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For the National Bank of India, Limited.

JOHN KYD,
Manager.

100, ARMENIAN STREET,
BLACK TOWN, MADRAS,
The 5th August 1884.

Lost

The lower half of the Government Promissory Note No. 185916 of 4 per cent. loan of 1865, for ₹1,000, originally standing in the name of Abdul Gani, and lastly endorsed to Jugulkishore Lal and Rashbihari Lal, the proprietors, by whom it was never endorsed to any other person, and application is about to be made for the issue of duplicate in favor of the proprietor.

JUGULKISHORE LAL,
Honorary Magistrate, Gya.
The 15th August 1884.

Lost, Stolen or Destroyed

The Government Promissory Note No. 187065, of the 4 per cent. of 1st May 1865, for ₹500, originally standing in the name of Debnath Sreemany, and last endorsed by Prosad Das Boral to Russick Lall Mullick, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

RUSSICK LALL MULLICK,
19, Durponarain Tagore's Street.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 30, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

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For the National Bank of India, Limited.

JOHN KYD,
Manager.

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BLACK TOWN, MADRAS,
The 5th August 1884.

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JUGULKISHORE LAL,
Honorary Magistrate, Gya.
The 15th August 1884.

Lost, Stolen or Destroyed

The Government Promissory Note No. 187065, of the 4 per cent. of 1st May 1865, for ₹500, originally standing in the name of Debnath Sreemany, and last endorsed by Prosad Das Boral to Russick Lall Mullick, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

RUSSICK LALL MULLICK,
19, Durponarain Tagore's Street.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 6, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

ESTATE OF ELIZA ROWSON, DECEASED.

In pursuance of Section 42 of Act XXVIII of 1866, and of Section 320 of Act X of 1865, notice is hereby given that all persons having claims against the estate of Miss Eliza Rowson, late of No. 18, Royd Street, in the City of Calcutta, Spinster, who died at Calcutta aforesaid on the 21st day of September 1883, should send in their claims against the above estate to the undersigned at his Office, No. 28, Pollock Street, Calcutta, aforesaid, on or before Wednesday, the 1st day of October 1884, after which date no claims will be admitted and the assets of the estate will be distributed. Dated this 28th day of March 1884.

V. HARVEY,
Executor to the Estate of Eliza Rowson.

PROMISSORY NOTES.

Lost

The lower half of the Government Promissory Note No. 185916 of 4 per cent. loan of 1865, for ₹1,000, originally standing in the name of Abdul Gani, and lastly endorsed to Jugulkishore Lal and Rashbihari Lal, the proprietors, by whom it was never endorsed to any other person, and application is about to be made for the issue of duplicate in favor of the proprietor.

JUGULKISHORE LAL,
Honorary Magistrate, Gya.

The 15th August 1884.

Lost

The Government Promissory Note No. 016103, of the 4½ per cent. of 1835-36, for ₹5,000, originally standing in the name of Unadapersad Banerji, and last endorsed to the Bank of Bengal, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

BANK OF BENGAL,
Calcutta.

Lost, Stolen or Destroyed

The Government Promissory Note No. 187065, of the 4 per cent. of 1st May 1865, for ₹500, originally standing in the name of Debnath Sreemany, and last endorsed by Prosad Das Boral to Russick Lall Mullick, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

RUSSICK LALL MULLICK,
19, Durponarain Tagore's Street.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 13, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

ESTATE OF ELIZA ROWSON, DECEASED.

In pursuance of Section 42 of Act XXVIII of 1866, and of Section 320 of Act X of 1865, notice is hereby given that all persons having claims against the estate of Miss Eliza Rowson, late of No. 18, Royd Street, in the City of Calcutta, Spinster, who died at Calcutta aforesaid on the 21st day of September 1883, should send in their claims against the above estate to the undersigned at his Office, No. 28, Pollock Street, Calcutta, aforesaid, on or before Wednesday, the 1st day of October 1884, after which date no claims will be admitted and the assets of the estate will be distributed. Dated this 28th day of March 1884.

V. HARVEY,
Executor to the Estate of Eliza Rowson.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 016103, of the 4½ per cent. of 1835-36, for ₹5,000, originally standing in the name of Unadapersad Banerji, and last endorsed to the Bank of Bengal, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

BANK OF BENGAL,
Calcutta.

Lost or Stolen

The Government Promissory Notes Nos. 007196 of 1879 and 094430 of 1842-43, both of the 4 per cent., for ₹500 each, originally standing in the names of Upendra Narain Moozoomdar and Koylash Chunder Bose, respectively, and last endorsed to Khettermony Dabee, the proprietress, by whom they were never endorsed to any other person. Payment of the above notes and interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

KHETTERMONY DABEE,
Bhowanipore.

Destroyed

The Government Promissory Note No. 063577, of the 4 per cent. of 1842-43, for ₹500, originally standing in the name of Gopaul Chunder Sreemany, and last endorsed to Ram Gopal Khan, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

RAM GOPAL KHAN,
Extra Asst. Commr.,
Dhubri.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 20, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

DAM DIM TEA COMPANY, LIMITED, IN LIQUIDATION.

Proceedings of Meeting of Shareholders of the abovenamed Company, held at the Registered Office of the Company, No. 10, Hare Street, at 10 A.M., on Saturday, the 13th September 1884.

PRESENT:

F. B. Peacock, Esq., C.S.; R. H. Wilson, Esq., C.S., *by his Proxy* W. C. Aldam, Esq.; W. M. North, Esq., *by his Proxy* W. C. Aldam, Esq.; W. S. Cresswell, Esq., *by his Attorney* A. W. Figgis, Esq.; E. V. Westmacott, Esq., C.S., *by his Proxy* W. C. Aldam, Esq.; B. H. Carew, Esq., *by his Proxy* W. C. Aldam, Esq.

Notice of Meeting having been read, the following resolution was put to the Meeting and passed:—

Proposed by F. B. Peacock, Esq., C.S.,

Seconded by R. H. Wilson, Esq., C.S., by his Proxy W. C. Aldam, Esq.—

"That the Audited Final Accounts of the Liquidation of the Company be and they are hereby confirmed."

W. S. CRESSWELL & Co.,
Liquidators.

CALCUTTA,
The 13th September 1884.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 016103, of the 4½ per cent. of 1835-36, for ₹5,000, originally standing in the name of Unadapersad Banerji, and last endorsed to the Bank of Bengal, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

BANK OF BENGAL,
Calcutta.

Lost or Stolen

The Government Promissory Notes Nos. 007196 of 1879 and 094430 of 1842-43, both of the 4 per cent., for ₹500 each, originally standing in the names of Upendra Narain Moozoomdar and Koylash Chunder Bose, respectively, and last endorsed to Khettermony Dabee, the proprietress, by whom they were never endorsed to any other person. Payment of the above notes and interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

KHETTERMONY DABEE,
Bhowanipore.

Destroyed

The Government Promissory Note No. 063577, of the 4 per cent. of 1842-43, for ₹500, originally standing in the name of Gopaul Chunder Sreemany, and last endorsed to Ram Gopal Khan, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

RAM GOPAL KHAN,
Extra Asst. Commr.,
Dhubri.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 27, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

DAM DIM TEA COMPANY, LIMITED, IN LIQUIDATION.

Proceedings of Meeting of Shareholders of the abovenamed Company, held at the Registered Office of the Company, No. 10, Hare Street, at 10 A.M., on Saturday, the 13th September 1884.

PRESENT:

F. B. Peacock, Esq., C.S.; R. H. Wilson, Esq., C.S., *by his Proxy* W. C. Aldam, Esq.; W. M. North, Esq., *by his Proxy* W. C. Aldam, Esq.; W. S. Cresswell, Esq., *by his Attorney* A. W. Figgis, Esq.; E. V. Westmacott, Esq., C.S., *by his Proxy* W. C. Aldam, Esq.; B. H. Carew, Esq., *by his Proxy* W. C. Aldam, Esq.

Notice of Meeting having been read, the following resolution was put to the Meeting and passed:—

Proposed by F. B. Peacock, Esq., C.S.,

Seconded by R. H. Wilson, Esq., C.S., by his Proxy W. C. Aldam, Esq.—

"That the Audited Final Accounts of the Liquidation of the Company be and they are hereby confirmed."

W. S. CRESSWELL & Co.,
Liquidators.

CALCUTTA,
The 13th September 1884.

NOTICE.

ESTATE OF ELIZA ROWSON, DECEASED.

In pursuance of Section 42 of Act XXVIII of 1866, and of Section 320 of Act X of 1865, notice is hereby given that all persons having claims against the estate of Miss Eliza Rowson, late of No. 18, Royd Street, in the City of Calcutta, Spinster, who died at Calcutta aforesaid on the 21st day of September 1883, should send in their claims against the above estate to the undersigned at his Office, No. 28, Pollock Street, Calcutta, aforesaid, on or before Wednesday, the 1st day of October 1884, after which date no claims will be admitted and the assets of the estate will be distributed. Dated this 28th day of March 1884.

V. HARVEY,
Executor to the Estate of Eliza Rowson.

PROMISSORY NOTES.

Lost or Stolen

The Government Promissory Notes Nos. 007196 of 1879 and 094430 of 1842-43, both of the 4 per cent., for ₹500 each, originally standing in the names of Upendra Narain Moozoomdar and Koylash Chunder Bose, respectively, and last endorsed to Khettermony Dabee, the proprietress, by whom they were never endorsed to any other person. Payment of the above notes and interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietress.

KHETTERMONY DABEE,
Bhowanipore.

Destroyed

The Government Promissory Note No. 063577, of the 4 per cent. of 1842-43, for ₹500, originally standing in the name of Gopaul Chunder Sreemany, and last endorsed to Ram Gopal Khan, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

RAM GOPAL KHAN,
Extra Asst. Commr.,
Dhubri.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 11, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 059534, of the 4½ per cent. of 1879, for ₹25,000, originally standing in the name of the Chartered Bank of India, Australia, and China, has been lost. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application made for the issue of a duplicate in favour of the proprietor, Mr. C. O. Eaton, Tolethorpe Hall, Stamford.

GISBORNE & Co.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 18, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

ROMAN RAILWAY COMPANY IN LIQUIDATION.

NOTICE.

EXCHANGE OF THE COMPANY'S SHARES.

Definite date of its effectuation in Florence, 31st December 1884.

The Liquidation Commission of the "Roman Railway Company, in Liquidation" (Società Anonima delle Strade Ferrate Romane) inform bearers of the Ordinary, Trentennial and Privileged (late Sienese) Shares of the above Company of the contents of Article 4 of the Additional Act of the Contract of right of purchase stipulated November 21st, 1877, as well as of Article 2 of the last Convention 26th April 1879; which Act and Convention were sanctioned by law 29th January 1880, No. 5249, Series 2nd.

Article 4th of the Additional Act, 21st November 1877:

"Three years from the promulgation of the Law sanctioning the Contract of right of purchase 21st November 1873, and the present additional act are allowed to possessors of Ordinary, Trentennial and Privileged Shares to present them for conversion. If not presented within the stated time such Shares will be valueless to all intents and purposes."

Article 2nd of the Convention, 26th April 1879:

"All and every article of the Convention 17th November 1873, rendered definite and irrevocable by law together with the Additional Act 21st November 1877 will be suspended up to the 31st December 1881."

Moreover the Liquidation Commission beg to inform the public that in accordance with the above articles the definite date for the presentation (in Florence) of the Ordinary, Trentennial, and Privileged Shares in order to avoid the consequences of the said articles and to have the right of enjoying the dividend of the amount that will be allotted by the Liquidation Commission to these Shares, according to their respective rights, falls due on 31st December 1884.

The sole Certificates to bearer, issued in accordance with Regulation 29th July 1882 by the Liquidation Commission in exchange for shares presented, shall continue to have value and be negotiable.

E. DEODATI,

The President of the Liquidation Commission.

FLORENCE,

The 15th June 1884.

NOTICE.—Those who may have mislaid or lost their Shares are hereby informed that Article 10th of the Company's Statute empowers all persons interested to demand from the Civil Tribunal of Florence, acting as Commercial Tribunal, the issue of new Shares in surrogation of the lost ones and this with all due cautions and formalities which are stated in the article.

The possessors of Shares living out of Florence will have to arrange matters in such manner as to send the shares or have them sent in for presentation to the Liquidation Commission not later than 31st December 1884. All those interested who wish to obtain full information on the subject may apply to the Liquidation Commission at their office in Florence, No. 7, Piazza dell'Unità Italiana.

The National Bank in the Kingdom of Italy through the medium of their several chief Offices and Branch departments, as well as the General Italian Credit Mobilier Company at their offices in Florence, Genoa, Turin, and Rome, undertake in the behalf of Shareholders to do all and every kind of operation in connection with the exchange of the abovementioned shares.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 059534, of the 4½ per cent. of 1879, for ₹25,000, originally standing in the name of the Chartered Bank of India, Australia, and China, has been lost. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application made for the issue of a duplicate in favour of the proprietor, Mr. C. O. Eaton, Tolethorpe Hall, Stamford.

GISBORNE & Co.

Lost, Stolen, or Destroyed.

The Non-transferable Treasury Note No. 000062, of the 5 per cent. of 1872, for ₹500, originally standing in the name of Gopika Bai, Manager of Mandir Vittal Rookhmai of Ramtek, and last endorsed to Gopika Bai, Manager of Mandir Vittal Rookhmai, Ramtek, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

GOPIKA BAI,
Manager of Mandir Vittal Rookhmai, in Ramtek.

NAGPUR,
The 17th September 1884.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 25, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

HINDU FAMILY ANNUITY FUND.

An Abstract of the Audited Accounts of the Hindu Family Annuity Fund for the Quarter ended on 31st December 1883.

Receipts.	Amount.	Disbursements.	Amount.
	₹ a. p.		₹ a. p.
Subscriptions	6,111 14 9	Annuity	726 13 9
Entrance Fees	22 0 0	Expenses of Management	392 13 0
Miscellaneous	0 7 0	Government of India (Amount deposited)	6,235 0 9
Government of India (Amount withdrawn)	1,290 0 0	Balance on 31st December 1883	455 6 9
Deposit	26 5 9		
Balance on 1st October 1883	359 6 9		
TOTAL ₹	7,810 2 3	TOTAL ₹	7,810 2 3

Published by order of the Directors agreeably to Rule 75.

NURSING DASS AUDDY,
Secretary.

CALCUTTA,
HINDU FAMILY ANNUITY FUND OFFICE,
The 23rd October 1884.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 059534, of the 4½ per cent. of 1879, for ₹25,000, originally standing in the name of the Chartered Bank of India, Australia, and China, has been lost. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application made for the issue of a duplicate in favour of the proprietor, Mr. C. O. Eaton, Tolethorpe Hall, Stamford.

GISBORNE & Co.

Lost, Stolen, or Destroyed.

The Non-transferable Treasury Note No. 000062, of the 5 per cent. of 1872, for ₹500, originally standing in the name of Gopika Bai, Manager of Mandir Vittal Rookhmai of Ramtek, and last endorsed to Gopika Bai, Manager of Mandir Vittal Rookhmai, Ramtek, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

GOPIKA BAI,
Manager of Mandir Vittal Rookhmai, in Ramtek.

NAGPUR,
The 17th September 1884.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 1, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

BYTAGOOL TEA COMPANY, LIMITED, (In Liquidation).

Proceedings of Meeting of Shareholders of the above Company, held at the Registered Office of the Company, No. 10, Hare Street, at 11-30 A.M., on Saturday, the 25th October 1884.

PRESENT:

W. Cornell, Esq., C.S., *by his Attorney*, James Mumford, Esq.

W. S. Cresswell, Esq., *by his Attorney*, Wilfred C. Aldam, Esq.

R. H. Wilson, Esq., C.S., *by his Proxy*, Wilfred C. Aldam, Esq.

W. M. North, Esq., *by his Proxy*, Wilfred C. Aldam, Esq.

Surgeon-Major F. C. Nicholson, *by his Proxy*, Wilfred C. Aldam, Esq.

Notice of Meeting having been read, the following resolution was put to the Meeting and passed:—

Proposed by W. Cornell, Esq., C.S., by his Attorney, James Mumford, Esq.,

Seconded by R. H. Wilson, Esq., C.S., by his Proxy, Wilfred C. Aldam, Esq.—

"That the Audited Final Accounts of the Company be, and they are hereby confirmed."

W. S. CRESSWELL & Co.,
Liquidators.

CALCUTTA,
The 25th October 1884.

PROMISSORY NOTES.

Lost, Stolen, or Destroyed.

The Non-transferable Treasury Note No. 000062, of the 5 per cent. of 1872, for ₹500, originally standing in the name of Gopika Bai, Manager of Mandir Vittal Rookhmai of Ramtek, and last endorsed to Gopika Bai, Manager of Mandir Vittal Rookhmai, Ramtek, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

GOPIKA BAI,
Manager of Mandir Vittal Rookhmai, in Ramtek.

NAGPUR,
The 17th September 1884.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 8, 1884.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

BYTAGOOL TEA COMPANY, LIMITED, (In Liquidation).

Proceedings of Meeting of Shareholders of the above Company, held at the Registered Office of the Company, No. 10, Hare Street, at 11-30 A.M., on Saturday, the 25th October 1884.

PRESENT:

W. Cornell, Esq., C.S., *by his Attorney,* James Mumford, Esq.

W. S. Cresswell, Esq., *by his Attorney,* Wilfred C. Aldam, Esq.

R. H. Wilson, Esq., C.S., *by his Proxy,* Wilfred C. Aldam, Esq.

W. M. North, Esq., *by his Proxy,* Wilfred C. Aldam, Esq.

Surgeon-Major F. C. Nicholson, *by his Proxy,* Wilfred C. Aldam, Esq.

Notice of Meeting having been read, the following resolution was put to the Meeting and passed:—

Proposed by W. Cornell, Esq., C.S., by his Attorney, James Mumford, Esq.,

Seconded by R. H. Wilson, Esq., C.S., by his Proxy, Wilfred C. Aldam, Esq.—

"That the Audited Final Accounts of the Company be, and they are hereby confirmed."

W. S. CRESSWELL & Co.,
Liquidators.

CALCUTTA,
The 25th October 1884.

PROMISSORY NOTES.

Lost or Stolen

The Government Promissory Note No. 198933, of the 4 per cent. of 1865, for ₹2,000, in favour of the Controller of Military Accounts, Bengal. Payment of the note and interest thereon have been stopped at the Public Debt Office, Bank of Bengal, and the public are cautioned against negotiating the note.

M. C. PERREAU, *Colonel,*
Contlr. of Mily. Accounts, Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 15, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

Result of votes on Circular No. 3, dated 1st August 1884.

Subject.	Yes.	No.
Whether Mr. M. McInerney shall be restored to the fund on payment of the subscription due with interest under Rule 40 D.	1,238	19

By order of the Directors,
W. H. RYLAND,
Secretary.

UNCOVENANTED S. F. P. FUND;
CALCUTTA,
The 7th November 1884.

PROMISSORY NOTES.

Lost or Stolen

The Government Promissory Note No. 198933, of the 4 per cent. of 1865, for ₹2,000, in favour of the Controller of Military Accounts, Bengal. Payment of the note and interest thereon have been stopped at the Public Debt Office, Bank of Bengal, and the public are cautioned against negotiating the note.

M. C. PERREAU, *Colonel,*
Contlr. of Mily. Accounts, Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 22, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost or Stolen

The Government Promissory Note No. 198933, of the 4 per cent. of 1865, for R2,000, in favour of the Controller of Military Accounts, Bengal. Payment of the note and interest thereon have been stopped at the Public Debt Office, Bank of Bengal, and the public are cautioned against negotiating the note.

M. C. PERREAU, *Colonel*,
Contlr. of Mily. Accounts, Bengal.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 29, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

The Power-of-Attorney granted by me in favor of Mr. Nowrojee Hormusjee Cooper has been revoked from the 6th September last.

HORMUSJEE NUSSERWANJEE COOPER.

BENGAL CIVIL FUND.

NOTICE.

The Half-yearly General Meeting of Subscribers to the Bengal Civil Fund will be held at the Town Hall on Monday, the 26th January 1885, at 10 A.M., for the submission of the Annual Accounts, the election of Managers for the ensuing year, and the consideration of any other business that may be brought forward.

By order of the Managers,

CHAS. S. BAYLEY,
Secretary.

BENGAL CIVIL FUND OFFICE,
The 20th November 1884.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 6, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

The Power-of-Attorney granted by me in favor of Mr. Nowrojee Hormusjee Cooper has been revoked from the 6th September last.

HORMUSJEE NUSSERWANJEE COOPER.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 134064 of the 4 per cent. of 1865, for ₹500, and Note No. 000589 of the 3½ per cent. of 1853-54, for ₹500. Fallen on road between Kasauli and Sabathu from the pocket of Moolraj, Contractor, the owner, on 31st March 1882. Last endorsed to Moolraj, Contractor.

MOOLRAJ,
Comst. Contractor, Sabathu.

Lost

The Government Promissory Note No. 037264, of the reduced 4 per cent. of 1879, for ₹1,000, originally standing in the name of S. D. Gonvia, and last endorsed to Sorabjee Cowasjee Oomreegur and Framjee Manackjee Master, the proprietors, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietors.

SORABJEE COWASJEE OOMREEGUR,
41, Meadows Street.

FRAMJEE MANACKJEE MASTER.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 13, 1884.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 134064 of the 4 per cent. of 1865, for ₹500, and Note No. 000589 of the 3½ per cent. of 1853-54, for ₹500. Fallen on road between Kasauli and Sabathu from the pocket of Moolraj, Contractor, the owner, on 31st March 1882. Last endorsed to Moolraj, Contractor.

MOOLRAJ,
Comst. Contractor, Sabathu.

Lost

The Government Promissory Note No. 037264, of the reduced 4 per cent. of 1879, for ₹1,000, originally standing in the name of S. D. Gonvia, and last endorsed to Sorabjee Cowasjee Oomreegur and Framjee Manackjee Master, the proprietors, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietors.

SORABJEE COWASJEE OOMREEGUR,
41, Meadows Street.
FRAMJEE MANACKJEE MASTER.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 20, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

IN THE GOODS OF KANNYLOLL SEAL, LATE OF No. 60, COLOOTOLLAH STREET, IN THE TOWN OF CALCUTTA, ZEMINDAR, DECEASED.

Probate of the last Will and Testament of the abovenamed deceased was on the 11th day of December 1884 granted by the High Court of Judicature at Fort William in Bengal, in its Testamentary and Intestate Jurisdiction, to Lollmohun Mullick, Sreemutty Kadumbinee Dossee, Bonomally Mullick, Nundololl Mullick, James Meik, and Neelmadhub Moitry, all of Calcutta, the Executors therein named and appointed.

All parties having claims against the Estate of the said deceased are requested to send in particulars thereof to Mr. James Meik, at No. 60, Coloottollah Street, aforesaid, to whom all parties who are indebted to the said Estate are requested to make payments of their debts without delay.

A. ST. JOHN CARRUTHERS,
Solicitor.

10, GOVERNMENT PLACE EAST,
The 18th December 1884.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 134064 of the 4 per cent. of 1865, for ₹500, and Note No. 000589 of the 3½ per cent. of 1853-54, for ₹500. Fallen on road between Kasauli and Sabathu from the pocket of Moolraj, Contractor, the owner, on 31st March 1882. Last endorsed to Moolraj, Contractor.

MOOLRAJ,
Const. Contractor, Sabathu.

Lost

The Government Promissory Note No. 037264, of the reduced 4 per cent. of 1879, for ₹1,000, originally standing in the name of S. D. Gouvia and last endorsed to Sorabjee Cowasjee Oomreegur and Framjee Manackjee Master, the proprietors, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietors.

SORABJEE COWASJEE OOMREEGUR,
41, Meadows Street.

FRAMJEE MANACKJEE MASTER.

Lost

The lower half of the Government Promissory Note No. 185916 of the 4 per cent. loan of 1865, for ₹1,000, originally standing in the name of the Comptroller General, and last endorsed to Jugulkishore Lall and Rashbihari Lall, the proprietors, by whom it was never endorsed to any other person, and application is about to be made for the issue of a duplicate in favor of the proprietor.

JUGULKISHORE LAL,
Gya.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 27, 1884.

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

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

IN THE GOODS OF KANNYLOLL SEAL, LATE OF No. 60, COLOOTOLLAH STREET, IN THE TOWN OF CALCUTTA, ZEMINDAR, DECEASED.

Probate of the last Will and Testament of the abovenamed deceased was on the 11th day of December 1884 granted by the High Court of Judicature at Fort William in Bengal, in its Testamentary and Intestate Jurisdiction, to Lollmohun Mullick, Sreemutty Kadumbiney Dossee, Bonomally Mullick, Nundololl Mullick, James Meik, and Neelmadhub Moitry, all of Calcutta, the Executors therein named and appointed.

All parties having claims against the Estate of the said deceased are requested to send in particulars thereof to Mr. James Meik, at No. 60, Colootollah Street, aforesaid, to whom all parties who are indebted to the said Estate are requested to make payments of their debts without delay.

A. ST. JOHN CARRUTHERS,
Solicitor.

10, GOVERNMENT PLACE EAST,
The 18th December 1884.

PROMISSORY NOTES.

Lost

The lower half of the Government Promissory Note No. 185916 of the 4 per cent. loan of 1865, for ₹1,000, originally standing in the name of the Comptroller General, and last endorsed to Jugulkishore Lall and Rashbihari Lall, the proprietors, by whom it was never endorsed to any other person, and application is about to be made for the issue of a duplicate in favor of the proprietor.

JUGULKISHORE LAL,
Gya.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 5, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th June, 1884, and is hereby promulgated for general information :—

ACT No. XI OF 1884.

An Act to amend the Sindh Incumbered Estates Act, 1881.

XX of 1881.

WHEREAS it is expedient to amend the Sindh Incumbered Estates Act, 1881, in manner hereinafter appearing; It is hereby enacted as follows :—

Short title. Commencement.

1. This Act may be called the Sindh Incumbered Estates Act, 1884; and shall come into force at once.

Definition of zamíndár in Act XX of 1881 amended.

XX of 1881.

2. To the definition of zamíndár in the Sindh Incumbered Estates Act, 1881, the following shall be added, namely :—"and a person holding lands in Sindh which, having been comprised in the jághír lands of a jághírdár, and having ceased to be jághír lands, are assessed by the Government on account of land-revenue at a sum not less than three hundred rupees per year, and, where a joint family or any other body of co-owners holds lands of either of those descriptions, each member of that family or body who would be entitled to demand a partition of the lands."

New section to follow section 5 of same Act.

3. After section 5 of the said Act the following section shall be inserted, that is to say :—

Interim order of protection.

"5 A. When the Commissioner has directed an inquiry under section five, he may, if he thinks fit, further direct that, until he dismisses the application or appoints an officer under section seven,—

"(*a*) all proceedings then pending in any Civil Court or Revenue Court or Office in British India in respect of any of the debts and liabilities to which the debtor is subject, or which are charged on the whole or any part of his immoveable property, shall be stayed, and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended; and

"(*b*) no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any Civil Court or Revenue Court or Office in British India in respect of such debts and liabilities."

Amendment of section 8 of same Act.

4. In section 8, after the words "all immoveable property" the words "including any interest in joint immoveable property" shall be inserted.

Amendment of section 9 of same Act.

5. In section 9 of the same Act, after the words "Civil Court," in both places where they occur, the words "or Revenue Court or Office" shall be inserted.

New section to follow section 24 of same Act.

6. After section 24 of the said Act the following shall be inserted :—

Separation of part of jághír lands subject to lapse.

"24 A. When jághír land under management is held on this condition, that on the happening of a certain event a share of the land shall lapse, but that it shall be in the discretion of the person then entitled as jághírdár to divide off and relinquish in respect of the lapse such part of the land, being a fair equivalent of that share, as he thinks fit, the manager may, if he deems it convenient for the better exercise of the powers conferred by sections twenty-three and twenty-four, at any time, after such consultation with persons interested as he thinks necessary,

allot by written order, for relinquishment on the happening of the event, such part of the land as he thinks fit; and thereupon that part and no other shall, on the happening of the event, be relinquished."

Amendment of section 27 of same Act.

7. In section 27 of the said Act, after the words "Civil Court" the words "or Revenue Court or Office" shall be inserted.

Time for making applications under same Act.

8. *(1)* When any person would not have been a zamíndár within the meaning of the said Act before the passing of this Act, but is a zamíndár within the meaning of the said Act as amended by this Act, an application in respect of his estate under section 4 of the said Act may be made at any time within six months from the passing of this Act.

(2) A member of a joint family or other body of co-owners holding zamíndárí land shall, for the purposes of this section, be deemed to be a person who would not have been a zamíndár within the meaning of the said Act before the passing of this Act.

Order of management under same Act to be deemed in accordance with law.

9. Every order of management made under the said Act whether before or after the passing of this Act shall be deemed to have been made in accordance with law.

Power to revise scheme of management under same Act.

10. Notwithstanding anything contained in the said Act, the Commissioner may, at any time after he has, whether before or after the passing of this Act, sanctioned a liquidation-scheme under the said Act, revise and modify the same, but not so as to affect the right of any person to receive in full before the termination of the management the amount finally awarded to him under Chapter IV of the said Act.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 26, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th July, 1884, and is hereby promulgated for general information:—

ACT No. XII OF 1884.

An Act to amend and provide for the extension of the Northern India Taḳḳáví Act, 1879.

X of 1879.

WHEREAS it is expedient to amend the Northern India Taḳḳáví Act, 1879, and provide for its extension to any part of British India; It is hereby enacted as follows:—

Short title.

1. *(1)* This Act may be called the Agriculturists' Loans Act, 1884; and

Commencement.

(2) It shall come into force on the first day of August, 1884.

Local extent.

2. *(1)* This section and section 3 extend to the whole of British India.

(2) The rest of this Act extends in the first instance only to the territories respectively administered by the Governor of Bombay in Council, the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer.

(3) But any other Local Government may, from time to time, by notification in the official Gazette, extend the rest of this Act to the whole or any part of the territories under its administration.

Repeal of Act X of 1879, and sections 4 and 5 of Act XV of 1880

X of 1879.

XV of 1880.

3. *(1)* On and from the day on which this Act comes into force, the Northern India Taḳḳáví Act, 1879, and sections 4 and 5 of the Bombay Revenue Jurisdiction Act, 1880, shall, except as regards the recovery of advances made before this Act comes into force and of the interest thereon, be repealed.

(2) All rules made under those Acts shall be deemed to be made under this Act.

Power for Local Government to make rules.

4. *(1)* The Local Government may, from time to time, with the previous sanction of the Governor General in Council, make rules as to loans to be made to owners and occupiers of arable land, for the relief of distress, the purchase of seed or cattle, or any other purpose not specified in the Land Improvement Loans Act, 1883, but connected with agricultural objects.

XIX of 1883.

(2) All such rules shall be published in the local official Gazette.

Recovery of loans.

5. Every loan made in accordance with such rules, all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same, shall, when they become due, be recoverable from the person to whom the loan was made, or from any person who has become surety for the repayment thereof, as if they were arrears of land-revenue or costs incurred in recovering the same due by the person to whom the loan was made or by his surety.

Liability of joint borrowers as among themselves.

6. When a loan is made under this Act to the members of a village-community or to any other persons on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed, marked or sealed by each of them or his agent duly authorized in this behalf and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 2, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th July, 1884, and is hereby promulgated for general information:—

ACT No. XII OF 1884.

An Act to amend and provide for the extension of the Northern India Takkávi Act, 1879.

WHEREAS it is expedient to amend the Northern India Takkávi Act, 1879, and provide for its extension to any part of British India; It is hereby enacted as follows:— X of 1879.

1. (*1*) This Act may be called the Agriculturists' Loans Act, 1884; and — Short title.

(*2*) It shall come into force on the first day of August, 1884. — Commencement.

2. (*1*) This section and section 3 extend to the whole of British India. — Local extent.

(*2*) The rest of this Act extends in the first instance only to the territories respectively administered by the Governor of Bombay in Council, the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer.

(*3*) But any other Local Government may, from time to time, by notification in the official Gazette, extend the rest of this Act to the whole or any part of the territories under its administration.

3. (*1*) On and from the day on which this Act comes into force, the Northern India Takkávi Act, 1879, and sections 4 and 5 of the Bombay Revenue Jurisdiction Act, 1880, shall, except as regards the recovery of advances made before this Act comes into force and of the interest thereon, be repealed. — Repeal of Act X of 1879, and sections 4 and 5 of Act XV of 1880. X of 1879. XV of 1880.

(*2*) All rules made under those Acts shall be deemed to be made under this Act.

4. (*1*) The Local Government may, from time to time, with the previous sanction of the Governor General in Council, make rules as to loans to be made to owners and occupiers of arable land, for the relief of distress, the purchase of seed or cattle, or any other purpose not specified in the Land Improvement Loans Act, 1883, but connected with agricultural objects. — Power for Local Government to make rules. XIX of 1883.

(*2*) All such rules shall be published in the local official Gazette.

5. Every loan made in accordance with such rules, all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same, shall, when they become due, be recoverable from the person to whom the loan was made, or from any person who has become surety for the repayment thereof, as if they were arrears of land-revenue or costs incurred in recovering the same due by the person to whom the loan was made or by his surety. — Recovery of loans.

6. When a loan is made under this Act to the members of a village-community or to any other persons on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed, marked or sealed by each of them or his agent duly authorized in this behalf and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute. — Liability of joint borrowers as among themselves.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 9, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th July, 1884, and is hereby promulgated for general information:—

ACT No. XII OF 1884.

An Act to amend and provide for the extension of the Northern India Takkávi Act, 1879.

WHEREAS it is expedient to amend the Northern India Takkávi Act, 1879, and provide for its extension to any part of British India; It is hereby enacted as follows:— X of 1879.

1. (1) This Act may be called the Agriculturists' Loans Act, 1884; and

Short title.

Commencement.

(2) It shall come into force on the first day of August, 1884.

2. (1) This section and section 3 extend to the whole of British India.

Local extent.

(2) The rest of this Act extends in the first instance only to the territories respectively administered by the Governor of Bombay in Council, the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer.

(3) But any other Local Government may, from time to time, by notification in the official Gazette, extend the rest of this Act to the whole or any part of the territories under its administration.

3. (1) On and from the day on which this Act comes into force, the Northern India Takkávi Act, 1879, and sections 4 and 5 of the Bombay Revenue Jurisdiction Act, 1880, shall, except as regards the recovery of advances made before this Act comes into force and of the interest thereon, be repealed. X of 1879. XV of 1880.

Repeal of Act X of 1879, and sections 4 and 5 of Act XV of 1880.

(2) All rules made under those Acts shall be deemed to be made under this Act.

4. (1) The Local Government may, from time to time, with the previous sanction of the Governor General in Council, make rules as to loans to be made to owners and occupiers of arable land, for the relief of distress, the purchase of seed or cattle, or any other purpose not specified in the Land Improvement Loans Act, 1883, but connected with agricultural objects. XIX of 1883.

Power for Local Government to make rules.

(2) All such rules shall be published in the local official Gazette.

5. Every loan made in accordance with such rules, all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same, shall, when they become due, be recoverable from the person to whom the loan was made, or from any person who has become surety for the repayment thereof, as if they were arrears of land-revenue or costs incurred in recovering the same due by the person to whom the loan was made or by his surety.

Recovery of loans.

6. When a loan is made under this Act to the members of a village-community or to any other persons on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed, marked or sealed by each of them or his agent duly authorized in this behalf and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

Liability of joint borrowers as among themselves.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 23, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd August, 1884, and is hereby promulgated for general information:—

ACT No. XIII OF 1884.

THE PANJÁB MUNICIPAL ACT, 1884.

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SCHEDULE.

Panjáb Municipal Act, 1884.
(Chapter I.—Preliminary.—Sections 1-4.)
(Chapter II.—Organization of Committees.—Section 5.)

An Act to make better provision for the organization and administration of Municipalities in the Panjáb.

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the Panjáb; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Local extent. Commencement.

1. *(1)* This Act may be called the Panjáb Municipal Act, 1884.

(2) It extends only to the territories for the time being administered by the Lieutenant-Governor of the Panjáb; and

(3) Section 177 shall come into force at once, and the rest of this Act shall come into force on such date as the Local Government may, by notification in the official Gazette, fix in this behalf.

Definitions.

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

"Committee" means a municipal committee constituted under this Act:

"Municipality" means any local area declared to be a municipality under this Act:

"Inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any local area which is declared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act:

"Street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way; and also the roadway and footway over any public bridge or causeway:

"Owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

"Notification" means a notification published by authority of the Local Government in the official Gazette:

"Notified" means published as aforesaid.

Procedure for constituting municipality.

3. *(1)* The Local Government may, by notification, propose to declare any town or group of towns, together with any railway-station, village, building or land in the vicinity of any such town, a municipality under this Act:

Provided that a military cantonment shall not, without the consent of the Governor General in Council, be comprised in any such notification.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation in such vernacular language as the Local Government directs, shall be affixed in some conspicuous place in the court-house of the district in which the local area to which it relates is situate, and in one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the Local Government the date on which the copy and translation were so affixed, and the date so certified shall be deemed to be the date of publication of the notification.

(5) If any inhabitant objects to the notification issued under sub-section (1), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the Local Government; and the Local Government shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on any such objections which may have been submitted to it, the Local Government may, by notification, declare the local area to be, for the purposes of this Act, a municipality of the first or second class.

Special rule as to local areas to which Act IV of 1873 applies.

4. *(1)* The Local Government may, by notification, declare any local area to which the Panjáb Municipal Act, 1873, has been extended to be a municipality under this Act, and shall, as soon as may be, so declare every such local area, unless— IV of 1873.

(a) that local area is comprised in some local area declared to be a municipality under section 3; or

(b) the Local Government has declared, by notification, that the provisions of this Act are unsuited to that local area.

(2) The Local Government shall, by the notification issued in respect of a local area under sub-section (1), declare whether the local area shall be a municipality of the first or of the second class.

(3) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members of the committee for that local area appointed *ex officio*, by nomination and by election under the Panjáb Municipal Act, 1873, and then in office, shall, on and from a day fixed by the notification, be deemed respectively to have been appointed by official designation and by name and elected under this Act as members of a committee for the local area, and shall hold office as such members for such term, not exceeding three years, as may be fixed by the notification. IV of 1873.

CHAPTER II.

ORGANIZATION OF COMMITTEES.

Constitution of Committees.

Number and appointment or election of members.

5. *(1)* There shall be established for each municipality a committee having authority over the municipality, consisting of such number of members, not less than six, as the Local Government may fix in this behalf.

(2) The members may be appointed by the Local Government either by name or by official designation, or may be elected from among the inhabitants in accordance with rules made by the Local Government under this Act, or some may be appointed and some elected, as the Local Government directs:

Panjáb Municipal Act, 1884.
(Chapter II.—Organization of Committees.—Sections 6-12.)

Provided that—

(a) when the Local Government has directed that all or any proportion of the members shall be elected, it shall not thereafter direct that they shall be appointed, unless a majority of the electors declare that they so desire, or for some reason affecting the public interests; and

(b) except with the approval of the Governor General in Council, or unless salaried officers of the Government are elected, not less than two-thirds of the members of every committee shall be persons other than salaried officers of the Government.

(3) When, under a direction issued under sub-section *(2)*, any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Term of office of members.

6. *(1)* A member of a committee when appointed by virtue of an office shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(2) The term of office of all other appointed and elected members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation of members.

7. A member of a committee may resign by signifying in writing his intention to do so to the Local Government; and, on the acceptance by the Local Government of the resignation, the member shall be deemed to have vacated his office.

Powers of the Local Government as to removal of members.

8. *(1)* The Local Government may remove any member of a committee—

(a) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;

(b) if he has been declared by notification to be disqualified for employment in the public service;

(c) if he, without an excuse sufficient in the opinion of the Local Government, neglects for more than three consecutive months to be present at the meetings of the committee;

(d) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or,

(e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Local Government otherwise directs.

Filling of casual vacancies.

9. *(1)* When the place of an elected member of a committee becomes vacant by the resignation or removal of the member or by his death, a new member shall be elected in accordance with the rules made by the Local Government under this Act to fill the place:

Provided that the Local Government may direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a member of a committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may if otherwise qualified be again elected or appointed.

Incorporation of committee.

10. Every committee shall be a body corporate by the name of the municipal committee of its municipality, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provisions of this Act, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Time when committee shall come into existence.

11. A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf:

Provided that a committee constituted under section 4, sub-section *(3)*, shall come into existence on the day fixed under that sub-section.

Consequences of establishment of committee under this Act where Act IV of 1873 applies.

12. When a committee comes into existence for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area to which the Panjáb Municipal Act, 1873, has been extended, the following consequences shall ensue, namely:— IV of 1873.

(a) the said Panjáb Municipal Act shall cease to apply to the local area;

(b) the municipal committee constituted under that Act for the local area (and hereinafter called the old committee) shall cease to exist;

(c) all property vested in the old committee shall, for the purposes of this Act, vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(d) every right and liability belonging to or incurred by the old committee may be enforced by or against the new committee in like manner as it might have been enforced by or against the old committee if this Act had not been passed;

Panjáb Municipal Act, 1884.
(Chapter II.—Organization of Committees.—Sections 13-21.)

(e) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Local Government; and

(f) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

13. Every member of a committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

Member of committee to be municipal commissioner.

President and Vice-president.

14. *(1)* Every committee shall, from time to time, elect one of its members to be president, and the member so elected shall, if the election is approved by the Local Government in the case of a first class committee, and by the Commissioner in the case of a second class committee, become president of the committee:

Election or appointment of president and vice-president.

Provided that the committee, instead of electing a president and submitting his name for approval to the Local Government or the Commissioner, may apply to the Local Government or the Commissioner, as the case may be, to appoint a president from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this clause; and that in either of these cases, or if no election is made within one month from the date of the first meeting of the committee or the occurrence of a vacancy in the office of chairman, or if the person elected is not approved, the Local Government, or in the case of a second class committee the Commissioner, may, if it or he thinks fit, appoint one of the members of the committee to be president.

(2) Every committee may also, from time to time, elect one or two of its members to be its vice-president or vice-presidents.

15. *(1)* A president shall hold office for such term, not exceeding three years, as the Local Government may, by rule, fix, and a vice-president shall hold office for such term as the committee may, by rule, fix.

Term of office of president and vice-president.

(2) A president or vice-president shall vacate office as such when he ceases to be a member of committee, or tenders in writing to the committee his resignation of his office as president or vice-president; and he may be removed from his office by the Local Government if moved to do so by resolution passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported, as soon as may be, to the Deputy Commissioner.

16. *(1)* If a president or vice-president ceases to be a member of the committee, dies, resigns his office or is removed, a new president or vice-president shall be elected or appointed in manner provided by section 14.

Casual vacancies in office of president or vice-president.

(2) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office.

(3) A person going out of office under sub-section (2) may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments, &c.

17. Every election and appointment of a member or president of a committee, and every vacancy in the office of member or president arising otherwise than by the expiration of his term of office, shall be notified, and no such election or appointment shall take effect until it is notified.

Notification of elections, appointments and vacancies.

Conduct of Business.

18. *(1)* A committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the rules made under section 24.

Time for holding meetings.

(2) The president or, in his absence, a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

19. *(1)* A meeting of a committee shall be either ordinary or special.

Ordinary and special meetings.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

20. *(1)* The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the committee.

Quorum.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 24, but shall not be less than three:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

21. *(1)* At every meeting of a committee the president, if present, shall preside as chairman.

Chairman of meeting.

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting, and a vice-president is present, the vice-president or, when two vice-presidents are present, the senior of them by date of appointment, shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Panjáb Municipal Act, 1884.
(Chapter II.—Organization of Committees.—Sections 22-30.)

22. Except as otherwise provided by this Act or by rules made under this Act, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

Vote of majority decisive.

23. *(1)* Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Local Government directs, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant.

Record and publication of proceedings.

(2) A copy of every resolution passed by a committee at a meeting shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner.

24. *(1)* Every committee may, from time to time, at a special meeting, make rules consistent with this Act and with any rules made by the Local Government under this Act as to—

Rules of business.

(a) the time and place of its meetings;

(b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;

(c) the quorum necessary for the transaction of business at ordinary meetings;

(d) the conduct of proceedings at meetings and the adjournment of meetings;

(e) the custody of the common seal and the purposes for which it shall be used;

(f) the person or persons to be primarily responsible for the current executive administration and their powers; that is to say, what portion of the executive authority shall be exercised by the president, by a vice-president, by sub-committees, by individual members, and by officers or servants of the committee;

(g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;

(h) the appointment, duties, leave, suspension and removal of its officers and servants;

(i) the term for which a vice-president shall hold office; and

(j) all other similar matters.

(2) A rule made under clause *(c)* or clause *(f)* of sub-section *(1)* shall not take effect unless it has been approved by the Local Government.

(3) Every rule made under this section shall be published in such manner as the Local Government directs.

25. In cases of emergency the president, or in his absence a vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Extraordinary powers of president and vice-president in case of emergency.

Provided that—

(a) he shall not act under this section in contravention of any order of the committee passed at a meeting; and

(b) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Joint Committees.

26. A committee may concur with any other committee, or with any district board, or with any cantonment authority, or with more than one such committee, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

Joint committees.

Defects in Constitution and Irregularities.

27. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

Officers and Servants.

28. *(1)* Every committee shall, from time to time, at a special meeting, appoint one of its members, or, if the Commissioner consents to its appointing a person not being a member, any other person, to be its secretary, and may, at a like meeting, remove any person so appointed.

Appointment of secretary.

(2) A member of a committee appointed as secretary shall receive no remuneration in respect of his services. When any other person is appointed to be secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it thinks fit.

29. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

Employment of other officers and servants.

30. If, in the opinion of the Commissioner, the number of persons employed by a committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Power to prevent extravagance in establishments.

Panjáb Municipal Act, 1884.
(Chapter II.—Organization of Committees.—Sections 31-38.)

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving committees.

31. In the case of a Government official, a committee may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions of others.

32. In the case of an officer or servant not being a Government official, a committee may—

(1) grant him leave-allowances and, if he is employed under the committee appointed under the Panjáb Municipal Act, 1873, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and

IV of 1873.

(2) if empowered in this behalf by the Local Government—

(a) subscribe on his behalf for pension or gratuity under the rules of the Government Civil Pension Code for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under Government.

Contracts.

Authority to contract.

33. *(1)* The committee of a municipality of the first class may, subject to the provisions of this Act, delegate to one or more of its members the power of entering, on its behalf, into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or in behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of a committee.

Mode of executing contracts and transfers of property.

34. *(1)* Every contract made by or on behalf of the committee of a municipality of the first class whereof the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of a municipality of the second class whereof the value or amount exceeds fifty rupees, shall be in writing, and shall be signed by the president or vice-president, and by the secretary if he is a member of the committee, or, if the secretary is not a member of the committee, by another member:

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last preceding section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) A transfer of immoveable property belonging to a committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of the committee.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

Penalty on member, officer or servant being interested in contract made with a committee.

35. *(1)* If any member, officer or servant of a municipal committee or joint committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 168.

XLV of 1860.

(2) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and a committee; but he shall not take part in any proceedings of the committee relating to any such contract.

Privileges and Liabilities.

Suits against committee and its officers.

36. No suit shall be instituted against a committee, or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee left at its office, and in the case of an officer delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Liability of members of committees.

37. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him, in such Court as the Local Government directs, by the committee with the sanction of the Commissioner, or by the Secretary of State for India in Council.

Acquisition of Land.

Acquisition of land.

38. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

X of 1870.

Panjáb Municipal Act, 1884.
(Chapter III.—Taxation.—Sections 39-42.)

CHAPTER III.

TAXATION.

General Provisions.

Taxes which may be imposed.

39. *(1)* Subject to any general rules or special orders which the Governor General in Council may make in this behalf, and to any rules made by the Local Government under this Act, a committee may, from time to time, for the purposes of this Act, and in the manner by this Act directed, impose in the whole or any part of the municipality any of the following taxes, namely:—

(A) with the previous sanction of the Local Government—

(a) a tax on buildings and lands either—

(i) not exceeding in any municipalities which may be constituted at the places specified in the schedule hereto annexed 10 per cent., and elsewhere 7½ per cent., on the annual value; or

(ii) not exceeding in the said municipalities one anna four pies, and elsewhere one anna, per square yard of the ground area; or

(iii) not exceeding in the said municipalities four rupees, and elsewhere three rupees, per running foot of frontage in streets or bázárs;

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

(c) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality;

(d) a tax on vehicles and animals used as aforesaid entering the municipality;

(e) a tax on menial and domestic servants;

(f) an octroi on animals for slaughter or goods or both brought within the octroi-limits for consumption or use therein; and

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

(2) In this section, "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished:

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the aggregate of the following amounts, namely:—

(a) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and

(b) when the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

Scavenging-tax.

40. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, in the manner by this Act directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Water-tax.

41. *(1)* Besides the taxes mentioned in the foregoing sections, a committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Act directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

Procedure in imposing taxes.

42. *(1)* A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 39, section 40 or section 41.

(2) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Local Government, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

Panjáb Municipal Act, 1884.
(Chapter III.—Taxation.—Sections 43-52.)

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a committee have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(a) no tax shall come into force until it has been notified;

(b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(c) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish or reduce tax.

43. A committee may, by a resolution passed at a special meeting and confirmed by the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to exempt from taxation.

44. *(1)* A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Local Government, and the Local Government may by order, exempt in whole or in part, from the payment of any such tax any person or class of persons or any property or description of property.

Power for Local Government to suspend levy of tax.

45. *(1)* If at any time it appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(2) The Local Government may at any time, by notification, rescind any such suspension.

Taxes not invalid for defect of form.

46. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes when payable.

47. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Local Government, may, by rule, from time to time direct.

Receipts to be given.

48. For all sums paid on account of any tax under this Act, a receipt, stating the amount and the tax on account of which it is paid, shall be given by the person receiving the same, on request by the person making the payment.

Appeals against taxation.

49. *(1)* An appeal against the assessment or levy of any tax under this Act shall lie to the Deputy Commissioner, unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Court.

(3) On a reference being made under sub-section *(2)* the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Chapter XLVI of the Code of Civil Procedure. XIV of 1882.

Limitation of appeal.

50. *(1)* No appeal shall lie in respect of a tax on any land or building, unless it is preferred within one month after the publication of the notice prescribed by section 56, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

Taxation not to be questioned except under this Act.

51. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Act is provided.

Taxes leviable under Act IV of 1873 to be deemed to be taxes under this Act.

52. All taxes leviable in any local area under the Panjáb Municipal Act, 1873, at the time when a committee having authority over that local area comes into existence under this Act IV of 1873.

Panjáb Municipal Act, 1883.
(Chapter III.—Taxation.—Sections 53-61.)

shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act.

Taxes on Immoveable Property.

Preparation of assessment-lists.

53. *(1)* The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

(a) the name of the street or division in which the property is situate;

(b) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual value, area or length of frontage on which the property is assessed; and

(e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of the measurements and of the rent or annual value.

Publication of notice of assessments.

54. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

55. *(1)* The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

Settlement of list.

56. *(1)* After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

57. *(1)* The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

New list need not be prepared every year.

58. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

59. *(1)* When a tax payable under section 39, sub-section *(1)*, clause *(a)*, or under section 40 or section 41, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(2) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 39, sub-section (1), clause *(a)*, or under section 40 or section 41, is wholly or in greater part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

Taxes on immoveable property by whom payable.

60. *(1)* A tax payable under section 39, sub-section (1), clause *(a)*, shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 40 or section 41 shall be paid by the occupier of the property in respect of which it is payable.

Recovery of taxes payable by owner.

61. *(1)* When any sum is due on account of a tax payable under this Act in respect of any property by the owner thereof, the

Panjáb Municipal Act, 1884.
(Chapter III.—Taxation.—Sections 62-66.)
(Chapter IV.—Municipal Fund and Property.—Sections 67-68.)

committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(2) If the bill is not paid within ten days from the presentation thereof, the committee may cause a notice of demand to be served on that person; and if he does not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of Her Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Deputy Commissioner, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

Octroi and Tolls.

62. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

Power to search where octroi is leviable.

63. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by any officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

Power to examine article liable to octroi.

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature he may possess relating to the article.

64. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Presentation of bill for octroi.

65. *(1)* In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

Recovery of octroi and tolls.

(2) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the president or a vice-president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

66. The collection of any octroi or toll may be leased by the committee, with the previous sanction of the Commissioner, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi or toll shall in respect thereof—

Power to lease the collection of octroi or tolls.

(a) be bound by any rules made by the committee for their guidance;

(b) have such powers exercisable by servants of a committee under this Act as the committee may, from time to time, confer upon them; and

(c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi or toll.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

67. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

Constitution of municipal fund.

(a) all sums received by or on behalf of the committee under this Act or otherwise;

(b) all fines realized in cases in which prosecutions are instituted under this Act or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality; and

(c) when there has been included within the municipality any municipality constituted under the Panjáb Municipal Act, 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence.

IV of 1873.

68. *(1)* The committee shall set apart and apply annually out of the municipal fund—

Application of fund.

(a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(b) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 31 and 32, and such sum as may be required for the maintenance of a police-establishment under Chapter V;

Panjáb Municipal Act, 1884.
(Chapter IV.—Municipal Fund and Property.—Sections 69-72.)

(c) thirdly, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely:—

(a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses;

(b) the watering and lighting of such streets or any of them;

(c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education, or for the benefit of the public health, and of rest-houses, saráis, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;

(e) the training of teachers and the establishment of scholarships;

(f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;

(g) the supply, storage and preservation from pollution of water for the use of men or animals;

(h) the planting and preservation of trees;

(i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(j) the holding of fairs and industrial exhibitions; and

(k) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

69. *(1)* In places where there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the municipal fund shall be kept in the treasury, sub-treasury or bank.

Custody of municipal fund.

(2) In places where there is no such treasury, sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Local Government may in each case think sufficient.

70. *(1)* A committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

Investment of same.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

71. Subject to any special reservation made by the Local Government, all property of the nature hereinafter specified and situate within the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

Property vested in committee.

(a) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of the municipal fund.

(b) All public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well.

(c) All public sewers and drains, and all sewers, drains, culverts and watercourses in, alongside or under any street, and all works, materials and things appertaining thereto.

(d) All dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere.

(e) All public lamps, lamp-posts and apparatus connected therewith or appertaining thereto.

(f) All land or other property transferred to the committee by the Government or by gift, purchase or otherwise for local public purposes.

(g) All streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

72. *(1)* The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Management of public institutions.

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(2) When any public institution is placed under the direction, management and control of the com-

Panjáb Municipal Act, 1884.
(Chapter V.—Municipal Police.—Sections 74-80.)

mittee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to Crown of property vesting in committee.

73. The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section 71 or section 72, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.

MUNICIPAL POLICE.

Police-establishment.

74. *(1)* Every committee shall, unless it is relieved of this obligation by the Local Government, maintain a sufficient police-establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.

(2) The establishment maintained under sub-section (1) shall, as the committee with the approval of the Local Government may, from time to time, determine, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the Magistrate of the district and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

Relief of committee from police-charges.

75. *(1)* The Local Government may relieve any committee of the whole or part of the cost of the police-establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(2) When a committee is relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it considers necessary, and the establishment so maintained may be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other.

Appointment, liabilities and duties of municipal watchmen.

76. *(1)* If the establishment maintained under this chapter is wholly or in part a body of watchmen, the watchmen—

(*a*) shall be under the orders of the District Superintendent of Police subject to the general control of the Magistrate of the district;

(*b*) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may, from time to time, make in this behalf;

(*c*) shall perform such duties as the Local Government may, from time to time, subject to the provisions of this Act, direct; and

(*d*) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities and be liable to the same penalties as if they were police-officers enrolled under Act V of 1861.

(2) Any person obstructing any such watchman in the discharge of his duties may be arrested without warrant by a police-officer or by any such watchman.

Duties of municipal police enrolled under Act V of 1861.

77. If the establishment maintained under this chapter or any portion thereof is part of the general police-force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

78. *(1)* Every member of a police-establishment under this Act shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Every member of such police-establishment may arrest any person committing in his view any offence against this Act or the rules made thereunder—

(*a*) if the name and address of the person are unknown to him, or

(*b*) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

Saving of section 9 of Act III of 1880.

79. Nothing in the foregoing sections of this chapter shall affect section 9 of the Cantonments Act, 1880.

III of 1880.

Police-protection at fairs, &c.

80. When special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, the Local Government may provide such protection, and the committee shall pay the whole charge thereof or such portion of the charge as the Local Government may consider equitably debitable to it.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 81-89.)

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

81. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

82. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Power to permit temporary occupation of streets, &c.

83. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

84. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

85. *(1)* The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

86. The committee at a meeting may direct that, within certain limits, to be fixed by it, the external roofs and walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

87. *(1)* If any building or part of a building projects beyond the regular line of a public street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the public street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

88. *(1)* Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions or alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and obstructions.

89. *(1)* It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 90-97.)

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

90. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Bathing and washing places.

Deposit of Offensive Matter and Slaughter-places.

91. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Removal and deposit of offensive matter.

92. *(1)* The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

Places for slaughter of animals.

(2) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

93. *(1)* The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Powers in respect of burial and burning places.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

94. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Removal of corpses.

Inflammable Materials.

95. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Inflammable materials.

Powers of Entry and Inspection.

96. *(1)* The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies and cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

Inspection of drains, privies and cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

97. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Power to enter and inspect buildings, &c.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 98-106.)

98. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

Other powers of entry on buildings or land.

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or maintain.

99. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act for which a license has not been duly taken out.

Power to enter for discovery of vehicles or animals liable to taxation.

100. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

101. *(1)* The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent, if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

Power of entry for purpose of scavenging.

(2) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

102. When any building, used as a human dwelling, is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Precautions to be observed in entering dwelling.

Water-pipes, Privies and Drains.

103. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

Troughs and pipes for rain-water.

104. *(1)* The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

Provision of privies, &c.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

105. *(1)* The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool, belonging thereto.

Repair and closing of drains, privies and cesspools.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy, or cesspool, or to make such alteration therein as it thinks fit.

106. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, watercourse or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Unauthorised buildings over drains, &c.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 107-117.)

107. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Removal of latrines, &c., near any source of water-supply.

108. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Power to require drainage, &c., of unwholesome tanks, &c.

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

109. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Power to require buildings, wells, tanks, &c., to be secured.

110. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee consider necessary for the public safety; and if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

Buildings and Grounds in unsanitary Condition.

111. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear away noxious vegetation.

112. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to trim hedges and trees bordering on streets, wells, &c.

113. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Cleansing of filthy buildings or land.

114. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Power to prohibit use for human habitation of buildings unfit for such use.

115. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

116. *(1)* The Local Government may, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section *(1)* he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

117. *(1)* The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

Regulation of offensive and dangerous trades.

melting tallow;

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing house or tannery; or,

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 118-120.)

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

118. *(1)* If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to prohibit such trades.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

119. *(1)* A committee may, from time to time, at a special meeting, make rules—

Power to make rules.

(a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours or for a service which would ordinarily be performed within twenty-four hours;

(c) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(d) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

(e) for the inspection and proper regulation of encamping-grounds, pounds, saráís, markets and slaughter-houses;

(f) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(g) for controlling and regulating the use and management of burial and burning grounds;

(h) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(i) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax; and

(j) for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses *(a)* and *(b)* in respect of any vehicles to which that Act applies. XIV of 1879.

(2) When the authorities of any cantonment, with the sanction of the Government of India, have agreed with the committee of an adjoining municipality that the same octroi-limits shall be established for the cantonment and the municipality, and that the octroi-collections and charges shall be divided between the cantonment fund and the municipal fund, the committee may fix limits under clause *(i)* of sub-section *(1)* so as to include so much both of the cantonment and of the municipal area as it may deem necessary, and shall have the same powers of collecting octroi on animals or goods brought within such limits, and the provisions of this Act relating to octroi shall apply in the same way, as if the said limits were wholly comprised in the area of the municipality.

120. The committee of a municipality wholly or in part situated in a hilly tract may, from time to time, at a special meeting, make rules—

Additional power to make rules in hill municipalities.

(a) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones;

Panjáb Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, &c.—Sections 121-128.)

(*b*) for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears necessary for the prevention of danger or grave inconvenience to the public.

Penalty for infringement of rules.

121. In making any rule under section 119 or section 120 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as within his power.

Confirmation of rules.

122. No rule made under section 119 or section 120 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Supplemental.

Execution of acts required to be done by any notice.

123. *(1)* When any notice under this chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

124. *(1)* Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner.

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or, which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

125. *(1)* The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable. X of 1870.

Appeals against certain orders of committee.

126. *(1)* Any person aggrieved by any order made by a committee under the powers vested in it by sections 93, 114 or 118 may appeal within thirty days from the date thereof to the Commissioner, when the municipality is of the first class, or to the Deputy Commissioner when the committee is of the second class; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if in the latter case the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

127. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

128. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow,

Panjáb Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, &c.—Sections 129-144.)

drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Non-removal of filth, &c.

129. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

130. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee, shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

131. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 107, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals so as to be injurious to health.

132. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

133. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

134. Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

135. Whoever discharges fire-arms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Control of elephants or camels.

136. Whoever, being an elephant-driver or camel-driver, omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

Taking elephants along public roads.

137. Whoever, contrary to any orders of the committee, takes an elephant along a public street or thoroughfare, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

138. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place, shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

139. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

140. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Picketing animals and collecting carts.

141. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Carrying corpses by prohibited routes or so as to cause annoyance.

142. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

143. Whoever, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any public place, shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience to orders of committee under last chapter.

144. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and,

Panjáb Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 146-151.)

in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Prosecution to be suspended in certain cases.

145. Any prosecution for an offence under section 93, or section 118, or under section 144, when the order which has been disobeyed is appealable, shall be suspended when the Magistrate learns that an appeal has been instituted pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

146. *(1)* The Commissioner of the division or the Deputy Commissioner of the district (not being a member of the committee) may—

(*a*) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immoveable property within the limits of the division or district respectively, occupied by any committee or joint committee, or any work in progress within those limits under its direction;

(*b*) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;

(*c*) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and

(*d*) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

(2) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may, from time to time, direct.

Power to suspend action of committee.

147. The Commissioner of the division or the Deputy Commissioner of the district may, by order in writing, suspend, within the division or district respectively, the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Extraordinary powers of Deputy Commissioner in case of emergency.

148. *(1)* In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

Power to provide for performance of duties in case of default of committee.

149. *(1)* When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon it by or under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the committee to that person.

(2) If the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

(3) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

Action of Deputy Commissioner or Commissioner to be immediately reported.

150. When a Deputy Commissioner makes any order under section 147, section 148 or section 149, he shall forthwith forward to the Local Government through the Commissioner, and when the Commissioner makes any order under section 147 or section 149, he shall forthwith forward to the Local Government, a copy thereof, with a statement of the reasons for making it, and with such explanation, if any, as the committee may wish to offer; and the Local Government may thereupon confirm, modify or rescind the order.

Powers of Local Government and its officers over committees.

151. *(1)* It shall be the duty of the Local Government, and of all Commissioners and Deputy Commissioners acting under its orders, to require that the proceedings of committees shall be in conformity with law.

(2) The Local Government may exercise all powers necessary for this purpose, and may, amongst other things, by order in writing, annul or modify any proceeding which it considers not to be in conformity with law.

(3) The Commissioner of the division and the Deputy Commissioner of the district may, within their jurisdiction for the same purpose, exercise such powers as may be conferred upon them by rule made in this behalf by the Local Government.

Panjáb Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 152-154.)

Power of Local Government to supersede committee in case of incompetency, persistent default or abuse of powers.

152. *(1)* If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

(2) When a committee is so superseded, the following consequences shall ensue:—

(*a*) All members of the committee shall, from the date of the notification, vacate their offices as such members:

(*b*) All powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government appoints in that behalf:

(*c*) All property vested in the committee shall, until the committee is reconstituted, vest in Her Majesty.

(3) The Local Government shall, as soon as, in its judgment, conveniently may be, constitute another committee in the place of any committee superseded under this section.

Disputes.

153. *(1)* If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a district board or cantonment authority, the matter shall be referred—

(a) to the Deputy Commissioner, if the local authorities concerned are in the same district;

(b) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(c) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If, in the case mentioned in clause (*a*), the Deputy Commissioner is a member of one of the committees or boards concerned, his functions under this section shall be discharged by the Commissioner.

(4) "Local authority" in this section means a municipal committee, district board or cantonment authority.

Power of Local Government to frame forms and make rules.

154. The Local Government may frame forms for any proceeding of a committee for which it considers that a form should be provided, and make rules consistent with this Act—

(*a*) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively;

(*b*) as to the division of the municipality into wards, or of the inhabitants into classes or both;

(*c*) as to the number of representatives proper for each ward or class;

(*d*) as to the qualifications of electors and of candidates for election;

(*e*) as to the registration of electors;

(*f*) as to the nomination of candidates, the time of election and the mode of recording votes;

(*g*) generally for regulating all elections under this Act;

(*h*) fixing the term of office of members and presidents of committees;

(*i*) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill;

(*j*) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought;

(*k*) as to the exhibition of tables shewing the rates of tolls chargeable on vehicles and animals entering the municipality; and

(*l*) generally as to the assessment and collection of taxes imposed under this Act and the fees payable in respect of notices of demand;

(*m*) as to the priority to be given to the several duties of the committee;

(*n*) as to the authority on which money may be paid from the municipal fund;

(*o*) as to the appointment, promotion, dismissal, suspension, reduction and fining of municipal watchmen;

(*p*) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;

(*q*) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass;

(*r*) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the person by whom, and the conditions subject to which, such plans and estimates may be sanctioned;

(*s*) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(*t*) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned;

Panjáb Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 156-163.)

(*u*) as to the returns, statements and reports to be submitted by committees;
(*v*) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 151;
(*w*) as to the language in which business shall be transacted, proceedings recorded and notices issued;
(*x*) as to the publication of notices; and
(*y*) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

General powers of Local Government and Commissioners.

155. In all matters connected with this Act the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER IX.

SUPPLEMENTAL.

Prosecutions.

Authority for prosecutions.

156. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of or with the approval of the committee.

Member not to be deemed interested in prosecution.

157. A Judge or Magistrate shall not be deemed to be a party to or personally interested in any such prosecution within the meaning of section 555 of the Code of Criminal Procedure merely because he is a member of the committee by the order or with the approval of which it has been instituted.

X of 1882.

Saving of prosecutions under other laws.

158. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules.

159. *(1)* The authority empowered to make rules under section 119, section 120 or section 151 shall, before making them, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is necessary to republish the draft under this section.

(3) Every rule made under any of the said sections shall be notified in English, and in such other language or languages as the Local Government may direct; and such notification shall be conclusive evidence that the rule has been made as required by this section.

Rules to be available for purchase and inspection.

160. *(1)* A copy of all rules made under this Act shall be kept at the committee's office, and shall be open during office-hours without charge to the inspection of any inhabitant.

(2) Copies of all such rules shall be kept at the committee's office for sale to the public at a reasonable price.

Continuance of existing rules.

161. *(1)* The Local Government may, by notification, direct that any rules, regulations or byelaws made under the Panjáb Municipal Act, 1873, or any Act thereby repealed, and in force in any local area being or comprised in a municipality constituted under this Act when the committee for that municipality comes into existence under section 11, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made.

IV of 1873.

(2) The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

Notices.

Authentication, service and validity of notices.

162. *(1)* Every notice issued by a committee under this Act or under any rule made thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

(2) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

163. When any notice is under the provisions of this Act to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

(*a*) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

Panjáb Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 164-172.)

(*b*) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication of public notices.

164. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration of Boundaries and Class of Municipality.

Notification of intention to alter limits of municipality.

165. The Local Government may, by notification published in the official Gazette, and in such other manner as may determine, declare its intention—

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification; or
(*b*) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

Alteration of limits of municipality.

166. *(1)* Any inhabitant of a municipality or local area in respect of which a notification has been published under section 165 may, if he objects to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the Local Government within six weeks from the publication of the notification in the Gazette; and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section *(1)*, the Local Government may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

167. *(1)* When a local area is excluded from a municipality under section 166,—

(*a*) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and
(*b*) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section *(1)* shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Effect of including local area in municipality.

168. When a local area is included in a municipality under section 166, this Act, and, except as the Local Government may otherwise by notification direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Power to change class of municipality.

169. The Local Government may, after consulting the committee, direct, by notification, that any municipality be transferred from one class to another.

Powers to except and withdraw Municipalities from provisions of Act.

Power to except municipality from provisions of Act unsuited thereto.

170. *(1)* If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by notification.

(2) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Power to withdraw municipal area altogether from operation of this Act or Act IV of 1873.

171. *(1)* The Local Government may, by notification, withdraw the local area comprised in any municipality constituted under this Act or the Panjáb Municipal Act, 1873, from the operation of the same.

IV of 1873.

(2) When a notification is issued under this section in respect of any local area, the Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under the Act, shall cease to apply to the local area; the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the municipal committee shall vest in Her Majesty; and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in Her Majesty under sub-section *(2)* shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Miscellaneous.

Recovery of taxes, &c.

172. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable.

Panjáb Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 173-177. Schedule.)

173. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Powers of Governor General in Council and of Local Government exerciseable from time to time.

174. *(1)* When a person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

Relief to agents and trustees.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

175. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

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XI of 1879.

Simla Land-tax.

Whereas there is at present levied on certain lands situate in the municipality of Simla a tax at the rate of ten rupees per two thousand five hundred square yards or fraction of two thousand five hundred square yards; It is hereby enacted as follows:—

177. *(1)* The said tax shall, unless and until a committee under this Act comes into existence for the local area comprised in that municipality, be deemed to be a tax lawfully imposed and assessed under the Panjáb Municipal Act, 1873, and leviable in addition to any other tax leviable under that Act.

Simla land-tax continued.

IV of 1873.

(2) If a committee under this Act comes into existence for that local area, the said tax shall be deemed to be a tax lawfully imposed and assessed under this Act and leviable in addition to any other tax leviable hereunder.

SCHEDULE.

(List of places referred to in Section 39.)

SIMLA.	DALHOUSIE.
DHARMSÁLA.	MURREE.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 30, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd August, 1884, and is hereby promulgated for general information:—

ACT No. XIII OF 1884.

THE PANJÁB MUNICIPAL ACT, 1884.

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SCHEDULE.

Panjáb Municipal Act, 1884.
(Chapter I.—Preliminary.—Sections 1-4.)
(Chapter II.—Organization of Committees.—Section 5.)

An Act to make better provision for the organization and administration of Municipalities in the Panjáb.

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the Panjáb; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Local extent. Commencement.

1. *(1)* This Act may be called the Panjáb Municipal Act, 1884.

(2) It extends only to the territories for the time being administered by the Lieutenant-Governor of the Panjáb; and

(3) Section 177 shall come into force at once, and the rest of this Act shall come into force on such date as the Local Government may, by notification in the official Gazette, fix in this behalf.

Definitions.

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

"Committee" means a municipal committee constituted under this Act:

"Municipality" means any local area declared to be a municipality under this Act:

"Inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any local area which is declared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act:

"Street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way; and also the roadway and footway over any public bridge or causeway:

"Owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

"Notification" means a notification published by authority of the Local Government in the official Gazette:

"Notified" means published as aforesaid.

Procedure for constituting municipality.

3. *(1)* The Local Government may, by notification, propose to declare any town or group of towns, together with any railway-station, village, building or land in the vicinity of any such town, a municipality under this Act:

Provided that a military cantonment shall not, without the consent of the Governor General in Council, be comprised in any such notification.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation in such vernacular language as the Local Government directs, shall be affixed in some conspicuous place in the court-house of the district in which the local area to which it relates is situate, and in one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the Local Government the date on which the copy and translation were so affixed, and the date so certified shall be deemed to be the date of publication of the notification.

(5) If any inhabitant objects to the notification issued under sub-section (1), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the Local Government; and the Local Government shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on any such objections which may have been submitted to it, the Local Government may, by notification, declare the local area to be, for the purposes of this Act, a municipality of the first or second class.

Special rule as to local areas to which Act IV of 1873 applies.

4. *(1)* The Local Government may, by notification, declare any local area to which the Panjáb Municipal Act, 1873, has been extended to be a municipality under this Act, and shall, as soon as may be, so declare every such local area, unless— IV of 1873.

(a) that local area is comprised in some local area declared to be a municipality under section 3; or

(b) the Local Government has declared, by notification, that the provisions of this Act are unsuited to that local area.

(2) The Local Government shall, by the notification issued in respect of a local area under sub-section (1), declare whether the local area shall be a municipality of the first or of the second class.

(3) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members of the committee for that local area appointed *ex officio*, by nomination and by election under the Panjáb Municipal Act, 1873, and then in office, shall, on and from a day fixed by the notification, be deemed respectively to have been appointed by official designation and by name and elected under this Act as members of a committee for the local area, and shall hold office as such members for such term, not exceeding three years, as may be fixed by the notification. IV of 1873.

CHAPTER II.

ORGANIZATION OF COMMITTEES.

Constitution of Committees.

Number and appointment or election of members.

5. *(1)* There shall be established for each municipality a committee having authority over the municipality, consisting of such number of members, not less than six, as the Local Government may fix in this behalf.

(2) The members may be appointed by the Local Government either by name or by official designation, or may be elected from among the inhabitants in accordance with rules made by the Local Government under this Act, or some may be appointed and some elected, as the Local Government directs:

Panjáb Municipal Act, 1884.
(Chapter II.—Organization of Committees.—Sections 6-12.)

Provided that—

(a) when the Local Government has directed that all or any proportion of the members shall be elected, it shall not thereafter direct that they shall be appointed, unless a majority of the electors declare that they so desire, or for some reason affecting the public interests; and

(b) except with the approval of the Governor General in Council, or unless salaried officers of the Government are elected, not less than two-thirds of the members of every committee shall be persons other than salaried officers of the Government.

(3) When, under a direction issued under sub-section *(2)*, any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Term of office of members.

6. *(1)* A member of a committee when appointed by virtue of an office shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(2) The term of office of all other appointed and elected members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation of members.

7. A member of a committee may resign by signifying in writing his intention to do so to the Local Government; and, on the acceptance by the Local Government of the resignation, the member shall be deemed to have vacated his office.

Powers of the Local Government as to removal of members.

8. *(1)* The Local Government may remove any member of a committee—

(a) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;

(b) if he has been declared by notification to be disqualified for employment in the public service;

(c) if he, without an excuse sufficient in the opinion of the Local Government, neglects for more than three consecutive months to be present at the meetings of the committee;

(d) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or,

(e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Local Government otherwise directs.

Filling of casual vacancies.

9. *(1)* When the place of an elected member of a committee becomes vacant by the resignation or removal of the member or by his death, a new member shall be elected in accordance with the rules made by the Local Government under this Act to fill the place:

Provided that the Local Government may direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a member of a committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may if otherwise qualified be again elected or appointed.

Incorporation of committee.

10. Every committee shall be a body corporate by the name of the municipal committee of its municipality, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provisions of this Act, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Time when committee shall come into existence.

11. A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf:

Provided that a committee constituted under section 4, sub-section (3), shall come into existence on the day fixed under that sub-section.

Consequences of establishment of committee under this Act where Act IV of 1873 applies.

12. When a committee comes into existence for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area to which the Panjáb Municipal Act, 1873, has been extended, the following consequences shall ensue, namely:— IV of 1873.

(a) the said Panjáb Municipal Act shall cease to apply to the local area;

(b) the municipal committee constituted under that Act for the local area (and hereinafter called the old committee) shall cease to exist;

(c) all property vested in the old committee shall, for the purposes of this Act, vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(d) every right and liability belonging to or incurred by the old committee may be enforced by or against the new committee in like manner as it might have been enforced by or against the old committee if this Act had not been passed;

Panjáb Municipal Act, 1884.
(Chapter II.—Organization of Committees.—Sections 13-21.)

(e) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Local Government; and

(f) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

13. Every member of a committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

Member of committee to be municipal commissioner.

President and Vice-president.

14. *(1)* Every committee shall, from time to time, elect one of its members to be president, and the member so elected shall, if the election is approved by the Local Government in the case of a first class committee, and by the Commissioner in the case of a second class committee, become president of the committee:

Election or appointment of president and vice-president.

Provided that the committee, instead of electing a president and submitting his name for approval to the Local Government or the Commissioner, may apply to the Local Government or the Commissioner, as the case may be, to appoint a president from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this clause; and that in either of these cases, or if no election is made within one month from the date of the first meeting of the committee or the occurrence of a vacancy in the office of chairman, or if the person elected is not approved, the Local Government, or in the case of a second class committee the Commissioner, may, if it or he thinks fit, appoint one of the members of the committee to be president.

(2) Every committee may also, from time to time, elect one or two of its members to be its vice-president or vice-presidents.

15. *(1)* A president shall hold office for such term, not exceeding three years, as the Local Government may, by rule, fix, and a vice-president shall hold office for such term as the committee may, by rule, fix.

Term of office of president and vice-president.

(2) A president or vice-president shall vacate office as such when he ceases to be a member of committee, or tenders in writing to the committee his resignation of his office as president or vice-president; and he may be removed from his office by the Local Government if moved to do so by resolution passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported, as soon as may be, to the Deputy Commissioner.

16. *(1)* If a president or vice-president ceases to be a member of the committee, dies, resigns his office or is removed, a new president or vice-president shall be elected or appointed in manner provided by section 14.

Casual vacancies in office of president or vice-president.

(2) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office.

(3) A person going out of office under sub-section (2) may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments, &c.

17. Every election and appointment of a member or president of a committee, and every vacancy in the office of member or president arising otherwise than by the expiration of his term of office, shall be notified, and no such election or appointment shall take effect until it is notified.

Notification of elections, appointments and vacancies.

Conduct of Business.

18. *(1)* A committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the rules made under section 24.

Time for holding meetings.

(2) The president or, in his absence, a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

19. *(1)* A meeting of a committee shall be either ordinary or special:

Ordinary and special meetings.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

20. *(1)* The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the committee.

Quorum.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 24, but shall not be less than three:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

21. *(1)* At every meeting of a committee the president, if present, shall preside as chairman.

Chairman of meeting.

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting, and a vice-president is present, the vice-president or, when two vice-presidents are present, the senior of them by date of appointment, shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Panjáb Municipal Act, 1884.
(Chapter II.—Organization of Committees.—Sections 22-30.)

22. Except as otherwise provided by this Act or by rules made under this Act, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

Vote of majority decisive.

23. *(1)* Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Local Government directs, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant.

Record and publication of proceedings.

(2) A copy of every resolution passed by a committee at a meeting shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner.

24. *(1)* Every committee may, from time to time, at a special meeting, make rules consistent with this Act and with any rules made by the Local Government under this Act as to—

Rules of business.

(a) the time and place of its meetings;

(b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;

(c) the quorum necessary for the transaction of business at ordinary meetings;

(d) the conduct of proceedings at meetings and the adjournment of meetings;

(e) the custody of the common seal and the purposes for which it shall be used;

(f) the person or persons to be primarily responsible for the current executive administration and their powers; that is to say, what portion of the executive authority shall be exercised by the president, by a vice-president, by sub-committees, by individual members, and by officers or servants of the committee;

(g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;

(h) the appointment, duties, leave, suspension and removal of its officers and servants;

(i) the term for which a vice-president shall hold office; and

(j) all other similar matters.

(2) A rule made under clause *(c)* or clause *(f)* of sub-section *(1)* shall not take effect unless it has been approved by the Local Government.

(3) Every rule made under this section shall be published in such manner as the Local Government directs.

25. In cases of emergency the president, or in his absence a vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Extraordinary powers of president and vice-president in case of emergency.

Provided that—

(a) he shall not act under this section in contravention of any order of the committee passed at a meeting; and

(b) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Joint Committees.

26. A committee may concur with any other committee, or with any district board, or with any cantonment authority, or with more than one such committee, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

Joint committees.

Defects in Constitution and Irregularities.

27. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

Officers and Servants.

28. *(1)* Every committee shall, from time to time, at a special meeting, appoint one of its members, or, if the Commissioner consents to its appointing a person not being a member, any other person, to be its secretary, and may, at a like meeting, remove any person so appointed.

Appointment of secretary.

(2) A member of a committee appointed as secretary shall receive no remuneration in respect of his services. When any other person is appointed to be secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it thinks fit.

29. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

Employment of other officers and servants.

30. If, in the opinion of the Commissioner, the number of persons employed by a committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Power to prevent extravagance in establishments.

Panjáb Municipal Act, 1884.
(Chapter II.—Organization of Committees.—Sections 31-38.)

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving committees.

31. In the case of a Government official, a committee may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions of others.

32. In the case of an officer or servant not being a Government official, a committee may—

(1) grant him leave-allowances and, if he is employed under the committee appointed under the Panjáb Municipal Act, 1873, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and

IV of 1873.

(2) if empowered in this behalf by the Local Government—

(a) subscribe on his behalf for pension or gratuity under the rules of the Government Civil Pension Code for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under Government.

Contracts.

Authority to contract.

33. *(1)* The committee of a municipality of the first class may, subject to the provisions of this Act, delegate to one or more of its members the power of entering, on its behalf, into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or in behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of a committee.

Mode of executing contracts and transfers of property.

34. *(1)* Every contract made by or on behalf of the committee of a municipality of the first class whereof the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of a municipality of the second class whereof the value or amount exceeds fifty rupees, shall be in writing, and shall be signed by the president or vice-president, and by the secretary if he is a member of the committee, or, if the secretary is not a member of the committee, by another member:

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last preceding section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) A transfer of immoveable property belonging to a committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of the committee.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

Penalty on member, officer or servant being interested in contract made with a committee.

35. *(1)* If any member, officer or servant of a municipal committee or joint committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 168.

XLV of 1860.

(2) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and a committee; but he shall not take part in any proceedings of the committee relating to any such contract.

Privileges and Liabilities.

Suits against committee and its officers.

36. No suit shall be instituted against a committee, or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee left at its office, and in the case of an officer delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Liability of members of committees.

37. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him, in such Court as the Local Government directs, by the committee with the sanction of the Commissioner, or by the Secretary of State for India in Council.

Acquisition of Land.

Acquisition of land.

38. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

X of 1870.

Panjáb Municipal Act, 1884.
(Chapter III.—Taxation.—Sections 39-42.)

CHAPTER III.

TAXATION.

General Provisions.

Taxes which may be imposed.

39. *(1)* Subject to any general rules or special orders which the Governor General in Council may make in this behalf, and to any rules made by the Local Government under this Act, a committee may, from time to time, for the purposes of this Act, and in the manner by this Act directed, impose in the whole or any part of the municipality any of the following taxes, namely:—

(A) with the previous sanction of the Local Government—

(a) a tax on buildings and lands either—

(i) not exceeding in any municipalities which may be constituted at the places specified in the schedule hereto annexed 10 per cent., and elsewhere 7½ per cent., on the annual value; or

(ii) not exceeding in the said municipalities one anna four pies, and elsewhere one anna, per square yard of the ground area; or

(iii) not exceeding in the said municipalities four rupees, and elsewhere three rupees, per running foot of frontage in streets or bázárs;

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

(c) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality;

(d) a tax on vehicles and animals used as aforesaid entering the municipality;

(e) a tax on menial and domestic servants;

(f) an octroi on animals for slaughter or goods or both brought within the octroi-limits for consumption or use therein; and

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

(2) In this section, "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished:

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the aggregate of the following amounts, namely:—

(a) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and

(b) when the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

Scavenging-tax.

40. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, in the manner by this Act directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Water-tax.

41. *(1)* Besides the taxes mentioned in the foregoing sections, a committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Act directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

Procedure in imposing taxes.

42. *(1)* A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 39, section 40 or section 41.

(2) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Local Government, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

Panjáb Municipal Act, 1884.
(Chapter III.—Taxation.—Sections 43-52.)

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a committee have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(a) no tax shall come into force until it has been notified;

(b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(c) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

43. A committee may, by a resolution passed at a special meeting and confirmed by the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to abolish or reduce tax.

44. *(1)* A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

Power to exempt from taxation.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Local Government, and the Local Government may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

45. *(1)* If at any time it appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

Power for Local Government to suspend levy of tax.

(2) The Local Government may at any time, by notification, rescind any such suspension.

46. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes not invalid for defect of form.

47. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Local Government, may, by rule, from time to time direct.

Taxes when payable.

48. For all sums paid on account of any tax under this Act, a receipt, stating the amount and the tax on account of which it is paid, shall be given by the person receiving the same, on request by the person making the payment.

Receipts to be given.

49. *(1)* An appeal against the assessment or levy of any tax under this Act shall lie to the Deputy Commissioner, unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

Appeals against taxation.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Court.

(3) On a reference being made under sub-section *(2)* the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Chapter XLVI of the Code of Civil Procedure. XIV of 1882.

50. *(1)* No appeal shall lie in respect of a tax on any land or building, unless it is preferred within one month after the publication of the notice prescribed by section 56, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Limitation of appeal.

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

51. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Act is provided.

Taxation not to be questioned except under this Act.

52. All taxes leviable in any local area under the Panjáb Municipal Act, 1873, at the time when a committee having authority over that local area comes into existence under this Act IV of 1873.

Taxes leviable under Act IV of 1873 to be deemed to be taxes under this Act.

Panjáb Municipal Act, 1883.
(Chapter III.—Taxation.—Sections 53-61.)

shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act.

Taxes on Immoveable Property.

53. *(1)* The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

Preparation of assessment-lists.

(a) the name of the street or division in which the property is situate;

(b) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual value, area or length of frontage on which the property is assessed; and

(e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of the measurements and of the rent or annual value.

54. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Publication of notice of assessments.

55. *(1)* The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

Public notice of time fixed for revising assessment-list.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

56. *(1)* After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

Settlement of list.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

57. *(1)* The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

Further amendments of assessment-list.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

53. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

New list need not be prepared every year.

59. *(1)* When a tax payable under section 39, sub-section *(1)*, clause *(a)*, or under section 40 or section 41, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Remission of tax on unoccupied immoveable property.

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(2) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 39, sub-section (1), clause *(a)*, or under section 40 or section 41, is wholly or in greater part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

60. *(1)* A tax payable under section 39, sub-section (1), clause *(a)*, shall be paid by the owner of the property in respect of which it is payable.

Taxes on immoveable property by whom payable.

(2) A tax payable under section 40 or section 41 shall be paid by the occupier of the property in respect of which it is payable.

61. *(1)* When any sum is due on account of a tax payable under this Act in respect of any property by the owner thereof, the

Recovery of taxes payable by owner.

Panjáb Municipal Act, 1884.
(Chapter III.—Taxation.—Sections 62-66.)
(Chapter IV.—Municipal Fund and Property.—Sections 67-68.)

committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(2) If the bill is not paid within ten days from the presentation thereof, the committee may cause a notice of demand to be served on that person; and if he does not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of Her Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Deputy Commissioner, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

Octroi and Tolls.

Power to search where octroi is leviable.

62. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

Power to examine article liable to octroi.

63. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by any officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature he may possess relating to the article.

Presentation of bill for octroi.

64. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Recovery of octroi and tolls.

65. *(1)* In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(2) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the president or a vice-president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

Power to lease the collection of octroi or tolls.

66. The collection of any octroi or toll may be leased by the committee, with the previous sanction of the Commissioner, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi or toll shall in respect thereof—

(a) be bound by any rules made by the committee for their guidance;

(b) have such powers exercisable by servants of a committee under this Act as the committee may, from time to time, confer upon them; and

(c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi or toll.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

Constitution of municipal fund.

67. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

(a) all sums received by or on behalf of the committee under this Act or otherwise;

(b) all fines realized in cases in which prosecutions are instituted under this Act or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality; and

(c) when there has been included within the municipality any municipality constituted under the Panjáb Municipal Act, 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence. IV of 1873.

Application of fund.

68. *(1)* The committee shall set apart and apply annually out of the municipal fund—

(a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(b) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 31 and 32, and such sum as may be required for the maintenance of a police-establishment under Chapter V;

Panjáb Municipal Act, 1884.
(Chapter IV.—Municipal Fund and Property.—Sections 69-72.)

(c) thirdly, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely:—

(a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses;

(b) the watering and lighting of such streets or any of them;

(c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education, or for the benefit of the public health, and of rest-houses, saráís, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;

(e) the training of teachers and the establishment of scholarships;

(f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;

(g) the supply, storage and preservation from pollution of water for the use of men or animals;

(h) the planting and preservation of trees;

(i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(j) the holding of fairs and industrial exhibitions; and

(k) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

Custody of municipal fund.

69. *(1)* In places where there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the municipal fund shall be kept in the treasury, sub-treasury or bank.

(2) In places where there is no such treasury, sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Local Government may in each case think sufficient.

Investment of same.

70. *(1)* A committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

Property vested in committee.

71. Subject to any special reservation made by the Local Government, all property of the nature hereinafter specified and situate within the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

(a) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of the municipal fund.

(b) All public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well.

(c) All public sewers and drains, and all sewers, drains, culverts and watercourses in, alongside or under any street, and all works, materials and things appertaining thereto.

(d) All dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere.

(e) All public lamps, lamp-posts and apparatus connected therewith or appertaining thereto.

(f) All land or other property transferred to the committee by the Government or by gift, purchase or otherwise for local public purposes.

(g) All streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Management of public institutions.

72. *(1)* The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(2) When any public institution is placed under the direction, management and control of the com-

Panjáb Municipal Act, 1884.
(Chapter V.—Municipal Police.—Sections 74-80.)

mittee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to Crown of property vesting in committee.

73. The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section 71 or section 72, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.

MUNICIPAL POLICE.

Police-establishment.

74. *(1)* Every committee shall, unless it is relieved of this obligation by the Local Government, maintain a sufficient police-establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.

(2) The establishment maintained under subsection (1) shall, as the committee with the approval of the Local Government may, from time to time, determine, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the Magistrate of the district and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

Relief of committee from police-charges.

75. *(1)* The Local Government may relieve any committee of the whole or part of the cost of the police-establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(2) When a committee is relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it considers necessary, and the establishment so maintained may be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other.

Appointment, liabilities and duties of municipal watchmen.

76. *(1)* If the establishment maintained under this chapter is wholly or in part a body of watchmen, the watchmen—

(a) shall be under the orders of the District Superintendent of Police subject to the general control of the Magistrate of the district;

(b) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may, from time to time, make in this behalf;

(c) shall perform such duties as the Local Government may, from time to time, subject to the provisions of this Act, direct; and

(d) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities and be liable to the same penalties as if they were police-officers enrolled under Act V of 1861.

(2) Any person obstructing any such watchman in the discharge of his duties may be arrested without warrant by a police-officer or by any such watchman.

Duties of municipal police enrolled under Act V of 1861.

77. If the establishment maintained under this chapter or any portion thereof is part of the general police-force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

78. *(1)* Every member of a police-establishment under this Act shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Every member of such police-establishment may arrest any person committing in his view any offence against this Act or the rules made thereunder—

(a) if the name and address of the person are unknown to him, or

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

Saving of section 9 of Act III of 1880.

79. Nothing in the foregoing sections of this chapter shall affect section 9 of the Cantonments Act, 1880. III of 1880.

Police protection at fairs, &c.

80. When special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, the Local Government may provide such protection, and the committee shall pay the whole charge thereof or such portion of the charge as the Local Government may consider equitably debitable to it.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 81-89.)

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

81. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

82. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Power to permit temporary occupation of streets, &c.

83. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

84. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

85. *(1)* The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

86. The committee at a meeting may direct that, within certain limits, to be fixed by it, the external roofs and walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

87. *(1)* If any building or part of a building projects beyond the regular line of a public street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the public street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

88. *(1)* Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

(a) free passage or way in front of the building;

(b) space to be left about the building to secure free circulation of air and facilitate scavenging;

(c) ventilation and drainage;

(d) level and width of foundation, level of lowest floor and stability of structure; and

(e) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions or alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and obstructions.

89. *(1)* It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 90-97.)

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

90. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Bathing and washing places.

Deposit of Offensive Matter and Slaughter-places.

91. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Removal and deposit of offensive matter.

92. *(1)* The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

Places for slaughter of animals.

(2) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

93. *(1)* The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Powers in respect of burial and burning places.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

94. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Removal of corpses.

Inflammable Materials.

95. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Inflammable materials.

Powers of Entry and Inspection.

96. *(1)* The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies and cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

Inspection of drains, privies and cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

97. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Power to enter and inspect buildings, &c.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 98-106.)

98. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

Other powers of entry on buildings or land.

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or maintain.

99. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act for which a license has not been duly taken out.

Power to enter for discovery of vehicles or animals liable to taxation.

100. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

101. *(1)* The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent, if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

Power of entry for purpose of scavenging.

(2) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

102. When any building, used as a human dwelling, is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Precautions to be observed in entering dwelling.

Water-pipes, Privies and Drains.

103. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

Troughs and pipes for rain-water.

104. *(1)* The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

Provision of privies, &c.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

105. *(1)* The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool, belonging thereto.

Repair and closing of drains, privies and cesspools.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy, or cesspool, or to make such alteration therein as it thinks fit.

106. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, watercourse or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Unauthorised buildings over drains, &c.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 107-117.)

107. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Removal of latrines, &c., near any source of water-supply.

108. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Power to require drainage, &c., of unwholesome tanks, &c.

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

109. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Power to require buildings, wells, tanks, &c., to be secured.

110. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee consider necessary for the public safety; and if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

Buildings and Grounds in unsanitary Condition.

111. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear away noxious vegetation.

112. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to trim hedges and trees bordering on streets, wells, &c.

113. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Cleansing of filthy buildings or land.

114. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Power to prohibit use for human habitation of buildings unfit for such use.

115. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

116. *(1)* The Local Government may, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section *(1)* he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

117. *(1)* The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

Regulation of offensive and dangerous trades.

melting tallow;

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing house or tannery; or,

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 118-120.)

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

118. *(1)* If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to prohibit such trades.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

119. *(1)* A committee may, from time to time, at a special meeting, make rules—

Power to make rules.

(*a*) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(*b*) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours or for a service which would ordinarily be performed within twenty-four hours;

(*c*) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

(*e*) for the inspection and proper regulation of encamping-grounds, pounds, saráís, markets and slaughter-houses;

(*f*) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(*g*) for controlling and regulating the use and management of burial and burning grounds;

(*h*) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(*i*) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax; and

(*j*) for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses (*a*) and (*b*) in respect of any vehicles to which that Act applies. XIV of 1879.

(2) When the authorities of any cantonment, with the sanction of the Government of India, have agreed with the committee of an adjoining municipality that the same octroi-limits shall be established for the cantonment and the municipality, and that the octroi-collections and charges shall be divided between the cantonment fund and the municipal fund, the committee may fix limits under clause (*i*) of sub-section (*1*) so as to include so much both of the cantonment and of the municipal area as it may deem necessary, and shall have the same powers of collecting octroi on animals or goods brought within such limits, and the provisions of this Act relating to octroi shall apply in the same way, as if the said limits were wholly comprised in the area of the municipality.

120. The committee of a municipality wholly or in part situated in a hilly tract may, from time to time, at a special meeting, make rules—

Additional power to make rules in hill municipalities.

(*a*) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones;

Panjáb Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, &c.—Sections 121-128.)

(*b*) for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears necessary for the prevention of danger or grave inconvenience to the public.

Penalty for infringement of rules.

121. In making any rule under section 119 or section 120 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as within his power.

Confirmation of rules.

122. No rule made under section 119 or section 120 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Supplemental.

Execution of acts required to be done by any notice.

123. *(1)* When any notice under this chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

124. *(1)* Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner.

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

125. *(1)* The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable. X of 1870.

Appeals against certain orders of committee.

126. *(1)* Any person aggrieved by any order made by a committee under the powers vested in it by sections 93, 114 or 118 may appeal within thirty days from the date thereof to the Commissioner when the municipality is of the first class, or to the Deputy Commissioner when the committee is of the second class; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if in the latter case the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

127. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

128. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow,

Panjáb Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, &c.—Sections 129-144.)

drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Non-removal of filth, &c.

129. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

130. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee, shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

131. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 107, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals so as to be injurious to health.

132. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

133. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on delcterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

134. Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

135. Whoever discharges fire-arms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Control of elephants or camels.

136. Whoever, being an elephant-driver or camel-driver, omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

Taking elephants along public roads.

137. Whoever, contrary to any orders of the committee, takes an elephant along a public street or thoroughfare, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

138. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place, shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

139. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

140. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Picketing animals and collecting carts.

141. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Carrying corpses by prohibited routes or so as to cause annoyance.

142. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

143. Whoever, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any public place, shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience to orders of committee under last chapter.

144. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and,

Panjáb Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 146-151.)

in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Prosecution to be suspended in certain cases.

145. Any prosecution for an offence under section 93, or section 118, or under section 144, when the order which has been disobeyed is appealable, shall be suspended when the Magistrate learns that an appeal has been instituted pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

146. *(1)* The Commissioner of the division or the Deputy Commissioner of the district (not being a member of the committee) may—

(*a*) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immoveable property within the limits of the division or district respectively, occupied by any committee or joint committee, or any work in progress within those limits under its direction;

(*b*) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;

(*c*) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and

(*d*) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

(2) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may, from time to time, direct.

Power to suspend action of committee.

147. The Commissioner of the division or the Deputy Commissioner of the district may, by order in writing, suspend, within the division or district respectively, the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Extraordinary powers of Deputy Commissioner in case of emergency.

148. *(1)* In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

Power to provide for performance of duties in case of default of committee.

149. *(1)* When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon it by or under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the committee to that person.

(2) If the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

(3) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

Action of Deputy Commissioner or Commissioner to be immediately reported.

150. When a Deputy Commissioner makes any order under section 147, section 148 or section 149, he shall forthwith forward to the Local Government through the Commissioner, and when the Commissioner makes any order under section 147 or section 149, he shall forthwith forward to the Local Government, a copy thereof, with a statement of the reasons for making it, and with such explanation, if any, as the committee may wish to offer; and the Local Government may thereupon confirm, modify or rescind the order.

Powers of Local Government and its officers over committees.

151. *(1)* It shall be the duty of the Local Government, and of all Commissioners and Deputy Commissioners acting under its orders, to require that the proceedings of committees shall be in conformity with law.

(2) The Local Government may exercise all powers necessary for this purpose, and may, amongst other things, by order in writing, annul or modify any proceeding which it considers not to be in conformity with law.

(3) The Commissioner of the division and the Deputy Commissioner of the district may, within their jurisdiction for the same purpose, exercise such powers as may be conferred upon them by rule made in this behalf by the Local Government.

Panjáb Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 152-154.)

Power of Local Government to supersede committee in case of incompetency, persistent default or abuse of powers.

152. *(1)* If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

(2) When a committee is so superseded, the following consequences shall ensue:—

(*a*) All members of the committee shall, from the date of the notification, vacate their offices as such members:

(*b*) All powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government appoints in that behalf:

(*c*) All property vested in the committee shall, until the committee is reconstituted, vest in Her Majesty.

(3) The Local Government shall, as soon as, in its judgment, conveniently may be, constitute another committee in the place of any committee superseded under this section.

Disputes.

153. *(1)* If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a district board or cantonment authority, the matter shall be referred—

(*a*) to the Deputy Commissioner, if the local authorities concerned are in the same district;

(*b*) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(*c*) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If, in the case mentioned in clause (*a*), the Deputy Commissioner is a member of one of the committees or boards concerned, his functions under this section shall be discharged by the Commissioner.

(4) "Local authority" in this section means a municipal committee, district board or cantonment authority.

Power of Local Government to frame forms and make rules.

154. The Local Government may frame forms for any proceeding of a committee for which it considers that a form should be provided, and make rules consistent with this Act—

(*a*) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively;

(*b*) as to the division of the municipality into wards, or of the inhabitants into classes or both;

(*c*) as to the number of representatives proper for each ward or class;

(*d*) as to the qualifications of electors and of candidates for election;

(*e*) as to the registration of electors;

(*f*) as to the nomination of candidates, the time of election and the mode of recording votes;

(*g*) generally for regulating all elections under this Act;

(*h*) fixing the term of office of members and presidents of committees;

(*i*) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill;

(*j*) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought;

(*k*) as to the exhibition of tables shewing the rates of tolls chargeable on vehicles and animals entering the municipality; and

(*l*) generally as to the assessment and collection of taxes imposed under this Act and the fees payable in respect of notices of demand;

(*m*) as to the priority to be given to the several duties of the committee;

(*n*) as to the authority on which money may be paid from the municipal fund;

(*o*) as to the appointment, promotion, dismissal, suspension, reduction and fining of municipal watchmen;

(*p*) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;

(*q*) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass;

(*r*) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the person by whom, and the conditions subject to which, such plans and estimates may be sanctioned;

(*s*) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(*t*) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned;

(*u*) as to the returns, statements and reports to be submitted by committees;

(*v*) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 151;

(*w*) as to the language in which business shall be transacted, proceedings recorded and notices issued;

(*x*) as to the publication of notices; and

(*y*) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

General powers of Local Government and Commissioners.

155. In all matters connected with this Act the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER IX.

SUPPLEMENTAL.

Prosecutions.

Authority for prosecutions.

156. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of or with the approval of the committee.

Member not to be deemed interested in prosecution.

157. A Judge or Magistrate shall not be deemed to be a party to or personally interested in any such prosecution within the meaning of section 555 of the Code of Criminal Procedure merely because he is a member of the committee by the order or with the approval of which it has been instituted. X of 1882.

Saving of prosecutions under other laws.

158. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules.

159. *(1)* The authority empowered to make rules under section 119, section 120 or section 151 shall, before making them, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is necessary to republish the draft under this section.

(3) Every rule made under any of the said sections shall be notified in English, and in such other language or languages as the Local Government may direct; and such notification shall be conclusive evidence that the rule has been made as required by this section.

Rules to be available for purchase and inspection.

160. *(1)* A copy of all rules made under this Act shall be kept at the committee's office, and shall be open during office-hours without charge to the inspection of any inhabitant.

(2) Copies of all such rules shall be kept at the committee's office for sale to the public at a reasonable price.

Continuance of existing rules.

161. *(1)* The Local Government may, by notification, direct that any rules, regulations or byelaws made under the Panjáb Municipal Act, 1873, or any Act thereby repealed, and in force in any local area being or comprised in a municipality constituted under this Act when the committee for that municipality comes into existence under section 11, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made. IV of 1873.

(2) The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

Notices.

Authentication, service and validity of notices.

162. *(1)* Every notice issued by a committee under this Act or under any rule made thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

(2) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

163. When any notice is under the provisions of this Act to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

(a) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication of public notices.

164. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration of Boundaries and Class of Municipality.

Notification of intention to alter limits of municipality.

165. The Local Government may, by notification published in the official Gazette, and in such other manner as may determine, declare its intention—

(a) to exclude from a municipality any local area comprised therein and defined in the notification; or

(b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

Alteration of limits of municipality.

166. *(1)* Any inhabitant of a municipality or local area in respect of which a notification has been published under section 165 may, if he objects to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the Local Government within six weeks from the publication of the notification in the Gazette; and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section *(1)*, the Local Government may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

167. *(1)* When a local area is excluded from a municipality under section 166,—

(a) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(b) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section *(1)* shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Effect of including local area in municipality.

168. When a local area is included in a municipality under section 166, this Act, and, except as the Local Government may otherwise by notification direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Power to change class of municipality.

169. The Local Government may, after consulting the committee, direct, by notification, that any municipality be transferred from one class to another.

Powers to except and withdraw Municipalities from provisions of Act.

Power to except municipality from provisions of Act unsuited thereto.

170. *(1)* If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by notification.

(2) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Power to withdraw municipal area altogether from operation of this Act or Act IV of 1873.

171. *(1)* The Local Government may, by notification, withdraw the local area comprised in any municipality constituted under this Act or the Panjáb Municipal Act, 1873, from the operation of the same. IV of 1873.

(2) When a notification is issued under this section in respect of any local area, the Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under the Act, shall cease to apply to the local area; the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the municipal committee shall vest in Her Majesty; and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in Her Majesty under sub-section *(2)* shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Miscellaneous.

Recovery of taxes, &c.

172. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable.

Panjáb Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 173-177. Schedule.)

173. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Powers of Governor General in Council and of Local Government exercisable from time to time.

174. *(1)* When a person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

Relief to agents and trustees.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

175. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

Decision of question as to whether persons are "inhabitants."

176. Nothing in this Act shall affect the Local Authorities Loans Act, 1879.

Saving of Act XI of 1879.

XI of 1879.

Simla Land-tax.

Whereas there is at present levied on certain lands situate in the municipality of Simla a tax at the rate of ten rupees per two thousand five hundred square yards or fraction of two thousand five hundred square yards; It is hereby enacted as follows:—

177. *(1)* The said tax shall, unless and until a committee under this Act comes into existence for the local area comprised in that municipality, be deemed to be a tax lawfully imposed and assessed under the Panjáb Municipal Act, 1873, and leviable in addition to any other tax leviable under that Act.

Simla land-tax continued.

IV of 1873.

(2) If a committee under this Act comes into existence for that local area, the said tax shall be deemed to be a tax lawfully imposed and assessed under this Act and leviable in addition to any other tax leviable hereunder.

SCHEDULE.

(List of places referred to in Section 39.)

SIMLA.	DALHOUSIE.
DHARMSÁLA.	MURREE.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th August, 1884, and is hereby promulgated for general information:—

ACT No. XIV OF 1884.

An Act for the validation of decisions passed by certain Settlement-officers in the Panjab.

XIX of 1865.

WHEREAS section 21 of the Panjáb Courts Act, 1865, after conferring certain powers on the Local Government in any district in which a settlement of land-revenue might be in progress, provided as follows, namely:—"The Local Government may also, with the previous sanction of the Governor General of India in Council, invest any special officer in such district with the civil powers of a Commissioner, Deputy Commissioner, Assistant Commissioner or Tahsíldár, as defined in this Act, for the purpose of deciding suits in respect to land, or the rent, revenue or produce of land, such powers to be exercised on the Revenue side";

and whereas doubts have recently been raised as to whether the said section conferred power to invest a special officer as aforesaid with power to decide appeals in such suits;

XVII of 1877.

and whereas section 49 of the Panjáb Courts Act, 1877, provides that the Local Government may, from time to time, by notification in the official Gazette, invest any officer making or controlling a settlement of land-revenue in any local area with all or any of the powers of any Court constituted under that Act, for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in that local area;

and whereas certain officers making or controlling settlements of land-revenue have decided suits of the description mentioned in section 21 of the

XIX of 1865.

Panjáb Courts Act, 1865, or section 49 of the

XVII of 1877.

Panjáb Courts Act, 1877, and appeals in such suits, without being invested with power to decide the same;

and whereas it is apprehended that certain officers making or controlling settlements of land-revenue have exercised judicial powers when at places beyond the local limits of their jurisdiction;

and whereas for the quieting of titles and the avoidance of litigation it is expedient that the decisions passed by officers engaged in making or controlling settlements in suits of the description mentioned in section 21 of the Panjáb Courts Act, 1865, and in section 49 of the Panjáb Courts Act, 1877, and in appeals in such suits, should not be impeached for want of authority in such officers, and that the validity of such decisions should be affirmed;

XIX of 1865.

XVII of 1877.

It is hereby enacted as follows:—

1. In the portion of section 21 of the Panjáb Courts Act, 1865, hereinbefore recited the word "suits" shall be deemed to have always included appeals.

Construction of section 21 of Act XIX of 1865.

XIX of 1865.

2. When any officer making or controlling a settlement of land-revenue has decided a suit of the description mentioned in section 21 of the Panjáb Courts Act, 1865, or section 49 of the Panjáb Courts Act, 1877, or an appeal in any such suit, and his decision would, if he had been duly invested with power under either of those sections to decide such suits or appeals, have been valid, the decision shall not be deemed invalid or deprived of any of its effect by reason of the objection that he was not so invested:

Validation of decisions of certain unauthorized officers.

XIX of 1865.

XVII of 1877.

Provided that a decision heretofore declared by any competent Court to be invalid on the ground that the officer who decided the suit or appeal was not authorized to decide the same shall not be rendered valid by this section.

3. When the decision of an officer making or controlling a settlement of land-revenue would be deemed valid if it had been passed by him within a particular local area, it shall not be deemed invalid or deprived of any of its effect by reason of the objection that at the time when he passed it he was beyond the limits of that local area.

Validation of decisions passed beyond local limits of jurisdiction.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 6, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd August, 1884, and is hereby promulgated for general information:—

ACT No. XIII OF 1884.

THE PANJÁB MUNICIPAL ACT, 1884.

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Panjáb Municipal Act, 1884.
(Chapter I.—Preliminary.—Sections 1-4.)
(Chapter II.—Organization of Committees.—Section 5.)

An Act to make better provision for the organization and administration of Municipalities in the Panjáb.

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the Panjáb; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Local extent. Commencement.

1. *(1)* This Act may be called the Panjáb Municipal Act, 1884.

(2) It extends only to the territories for the time being administered by the Lieutenant-Governor of the Panjáb; and

(3) Section 177 shall come into force at once, and the rest of this Act shall come into force on such date as the Local Government may, by notification in the official Gazette, fix in this behalf.

Definitions.

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

"Committee" means a municipal committee constituted under this Act:

"Municipality" means any local area declared to be a municipality under this Act:

"Inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any local area which is declared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act:

"Street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way; and also the roadway and footway over any public bridge or causeway:

"Owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

"Notification" means a notification published by authority of the Local Government in the official Gazette:

"Notified" means published as aforesaid.

Procedure for constituting municipality.

3. *(1)* The Local Government may, by notification, propose to declare any town or group of towns, together with any railway-station, village, building or land in the vicinity of any such town, a municipality under this Act:

Provided that a military cantonment shall not, without the consent of the Governor General in Council, be comprised in any such notification.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation in such vernacular language as the Local Government directs, shall be affixed in some conspicuous place in the court-house of the district in which the local area to which it relates is situate, and in one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the Local Government the date on which the copy and translation were so affixed, and the date so certified shall be deemed to be the date of publication of the notification.

(5) If any inhabitant objects to the notification issued under sub-section (1), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the Local Government; and the Local Government shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on any such objections which may have been submitted to it, the Local Government may, by notification, declare the local area to be, for the purposes of this Act, a municipality of the first or second class.

Special rule as to local areas to which Act IV of 1873 applies.

4. *(1)* The Local Government may, by notification, declare any local area to which the Panjáb Municipal Act, 1873, has been extended to be a municipality under this Act, and shall, as soon as may be, so declare every such local area, unless— IV of 1873.

(a) that local area is comprised in some local area declared to be a municipality under section 3; or

(b) the Local Government has declared, by notification, that the provisions of this Act are unsuited to that local area.

(2) The Local Government shall, by the notification issued in respect of a local area under sub-section (1), declare whether the local area shall be a municipality of the first or of the second class.

(3) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members of the committee for that local area appointed *ex officio*, by nomination and by election under the Panjáb Municipal Act, 1873, and then in office, shall, on and from a day fixed by the notification, be deemed respectively to have been appointed by official designation and by name and elected under this Act as members of a committee for the local area, and shall hold office as such members for such term, not exceeding three years, as may be fixed by the notification. IV of 1873.

CHAPTER II.

ORGANIZATION OF COMMITTEES.

Constitution of Committees.

Number and appointment or election of members.

5. *(1)* There shall be established for each municipality a committee having authority over the municipality, consisting of such number of members, not less than six, as the Local Government may fix in this behalf.

(2) The members may be appointed by the Local Government either by name or by official designation, or may be elected from among the inhabitants in accordance with rules made by the Local Government under this Act, or some may be appointed and some elected, as the Local Government directs:

Panjáb Municipal Act, 1884.
(Chapter II.—Organization of Committees.—Sections 6-12.)

Provided that—

(a) when the Local Government has directed that all or any proportion of the members shall be elected, it shall not thereafter direct that they shall be appointed, unless a majority of the electors declare that they so desire, or for some reason affecting the public interests; and

(b) except with the approval of the Governor General in Council, or unless salaried officers of the Government are elected, not less than two-thirds of the members of every committee shall be persons other than salaried officers of the Government.

(3) When, under a direction issued under sub-section *(2)*, any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Term of office of members.

6. *(1)* A member of a committee when appointed by virtue of an office shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(2) The term of office of all other appointed and elected members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation of members.

7. A member of a committee may resign by signifying in writing his intention to do so to the Local Government; and, on the acceptance by the Local Government of the resignation, the member shall be deemed to have vacated his office.

Powers of the Local Government as to removal of members.

8. *(1)* The Local Government may remove any member of a committee—

(a) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;

(b) if he has been declared by notification to be disqualified for employment in the public service;

(c) if he, without an excuse sufficient in the opinion of the Local Government, neglects for more than three consecutive months to be present at the meetings of the committee;

(d) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or,

(e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Local Government otherwise directs.

Filling of casual vacancies.

9. *(1)* When the place of an elected member of a committee becomes vacant by the resignation or removal of the member or by his death, a new member shall be elected in accordance with the rules made by the Local Government under this Act to fill the place:

Provided that the Local Government may direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a member of a committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may if otherwise qualified be again elected or appointed.

Incorporation of committee.

10. Every committee shall be a body corporate by the name of the municipal committee of its municipality, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provisions of this Act, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Time when committee shall come into existence.

11. A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf:

Provided that a committee constituted under section 4, sub-section *(3)*, shall come into existence on the day fixed under that sub-section.

Consequences of establishment of committee under this Act where Act IV of 1873 applies.

12. When a committee comes into existence for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area to which the Panjáb Municipal Act, 1873, has been extended, the following consequences shall ensue, namely:— IV of 1873.

(a) the said Panjáb Municipal Act shall cease to apply to the local area;

(b) the municipal committee constituted under that Act for the local area (and hereinafter called the old committee) shall cease to exist;

(c) all property vested in the old committee shall, for the purposes of this Act, vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(d) every right and liability belonging to or incurred by the old committee may be enforced by or against the new committee in like manner as it might have been enforced by or against the old committee if this Act had not been passed;

Panjáb Municipal Act, 1884.
(Chapter II.—Organization of Committees.—Sections 13-21.)

(e) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Local Government; and

(f) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

Member of committee to be municipal commissioner.

13. Every member of a committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

President and Vice-president.

Election or appointment of president and vice-president.

14. *(1)* Every committee shall, from time to time, elect one of its members to be president, and the member so elected shall, if the election is approved by the Local Government in the case of a first class committee, and by the Commissioner in the case of a second class committee, become president of the committee:

Provided that the committee, instead of electing a president and submitting his name for approval to the Local Government or the Commissioner, may apply to the Local Government or the Commissioner, as the case may be, to appoint a president from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this clause; and that in either of these cases, or if no election is made within one month from the date of the first meeting of the committee or the occurrence of a vacancy in the office of chairman, or if the person elected is not approved, the Local Government, or in the case of a second class committee the Commissioner, may, if it or he thinks fit, appoint one of the members of the committee to be president.

(2) Every committee may also, from time to time, elect one or two of its members to be its vice-president or vice-presidents.

Term of office of president and vice-president.

15. *(1)* A president shall hold office for such term, not exceeding three years, as the Local Government may, by rule, fix, and a vice-president shall hold office for such term as the committee may, by rule, fix.

(2) A president or vice-president shall vacate office as such when he ceases to be a member of committee, or tenders in writing to the committee his resignation of his office as president or vice-president; and he may be removed from his office by the Local Government if moved to do so by resolution passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported, as soon as may be, to the Deputy Commissioner.

Casual vacancies in office of president or vice-president.

16. *(1)* If a president or vice-president ceases to be a member of the committee, dies, resigns his office or is removed, a new president or vice-president shall be elected or appointed in manner provided by section 14.

(2) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office.

(3) A person going out of office under sub-section (2) may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments, &c.

Notification of elections, appointments and vacancies.

17. Every election and appointment of a member or president of a committee, and every vacancy in the office of member or president arising otherwise than by the expiration of his term of office, shall be notified, and no such election or appointment shall take effect until it is notified.

Conduct of Business.

Time for holding meetings.

18. *(1)* A committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the rules made under section 24.

(2) The president or, in his absence, a vice president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

Ordinary and special meetings.

19. *(1)* A meeting of a committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

Quorum.

20. *(1)* The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the committee.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 24, but shall not be less than three:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

Chairman of meeting.

21. *(1)* At every meeting of a committee the president, if present, shall preside as chairman.

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting, and a vice-president is present, the vice-president or, when two vice-presidents are present, the senior of them by date of appointment, shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Panjáb Municipal Act, 1884.
(Chapter II.—Organization of Committees.—Sections 22-30.)

Vote of majority decisive.

22. Except as otherwise provided by this Act or by rules made under this Act, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

Record and publication of proceedings.

23. *(1)* Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Local Government directs, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant.

(2) A copy of every resolution passed by a committee at a meeting shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner.

Rules of business.

24. *(1)* Every committee may, from time to time, at a special meeting, make rules consistent with this Act and with any rules made by the Local Government under this Act as to—

(a) the time and place of its meetings;

(b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;

(c) the quorum necessary for the transaction of business at ordinary meetings;

(d) the conduct of proceedings at meetings and the adjournment of meetings;

(e) the custody of the common seal and the purposes for which it shall be used;

(f) the person or persons to be primarily responsible for the current executive administration and their powers; that is to say, what portion of the executive authority shall be exercised by the president, by a vice-president, by sub-committees, by individual members, and by officers or servants of the committee;

(g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;

(h) the appointment, duties, leave, suspension and removal of its officers and servants;

(i) the term for which a vice-president shall hold office; and

(j) all other similar matters.

(2) A rule made under clause *(e)* or clause *(f)* of sub-section *(1)* shall not take effect unless it has been approved by the Local Government.

(3) Every rule made under this section shall be published in such manner as the Local Government directs.

Extraordinary powers of president and vice-president in case of emergency.

25. In cases of emergency the president, or in his absence a vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Provided that—

(a) he shall not act under this section in contravention of any order of the committee passed at a meeting; and

(b) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Joint Committees.

Joint committees.

26. A committee may concur with any other committee, or with any district board, or with any cantonment authority, or with more than one such committee, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

Defects in Constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

27. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

Appointment of secretary.

28. *(1)* Every committee shall, from time to time, at a special meeting, appoint one of its members, or, if the Commissioner consents to its appointing a person not being a member, any other person, to be its secretary, and may, at a like meeting, remove any person so appointed.

(2) A member of a committee appointed as secretary shall receive no remuneration in respect of his services. When any other person is appointed to be secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it thinks fit.

Employment of other officers and servants.

29. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

Power to prevent extravagance in establishments.

30. If, in the opinion of the Commissioner, the number of persons employed by a committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving committees.

31. In the case of a Government official, a committee may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions of others.

32. In the case of an officer or servant not being a Government official, a committee may—

(1) grant him leave-allowances and, if he is employed under the committee appointed under the Panjáb Municipal Act, 1873, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and

IV of 1873.

(2) if empowered in this behalf by the Local Government—

(a) subscribe on his behalf for pension or gratuity under the rules of the Government Civil Pension Code for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under Government.

Contracts.

Authority to contract.

33. *(1)* The committee of a municipality of the first class may, subject to the provisions of this Act, delegate to one or more of its members the power of entering, on its behalf, into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or in behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of a committee.

Mode of executing contracts and transfers of property.

34. *(1)* Every contract made by or on behalf of the committee of a municipality of the first class whereof the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of a municipality of the second class whereof the value or amount exceeds fifty rupees, shall be in writing, and shall be signed by the president or vice-president, and by the secretary if he is a member of the committee, or, if the secretary is not a member of the committee, by another member:

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last preceding section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) A transfer of immoveable property belonging to a committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of the committee.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

Penalty on member, officer or servant being interested in contract made with a committee.

35. *(1)* If any member, officer or servant of a municipal committee or joint committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 168.

XLV of 1860.

(2) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and a committee; but he shall not take part in any proceedings of the committee relating to any such contract.

Privileges and Liabilities.

Suits against committee and its officers.

36. No suit shall be instituted against a committee, or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee left at its office, and in the case of an officer delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Liability of members of committees.

37. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him, in such Court as the Local Government directs, by the committee with the sanction of the Commissioner, or by the Secretary of State for India in Council.

Acquisition of Land.

Acquisition of land.

38. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

X of 1870.

CHAPTER III.

TAXATION.

General Provisions.

Taxes which may be imposed.

39. *(1)* Subject to any general rules or special orders which the Governor General in Council may make in this behalf, and to any rules made by the Local Government under this Act, a committee may, from time to time, for the purposes of this Act, and in the manner by this Act directed, impose in the whole or any part of the municipality any of the following taxes, namely:—

(A) with the previous sanction of the Local Government—

(a) a tax on buildings and lands either—

(i) not exceeding in any municipalities which may be constituted at the places specified in the schedule hereto annexed 10 per cent., and elsewhere 7½ per cent., on the annual value; or

(ii) not exceeding in the said municipalities one anna four pies, and elsewhere one anna, per square yard of the ground area; or

(iii) not exceeding in the said municipalities four rupees, and elsewhere three rupees, per running foot of frontage in streets or bázárs;

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

(c) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality;

(d) a tax on vehicles and animals used as aforesaid entering the municipality;

(e) a tax on menial and domestic servants;

(f) an octroi on animals for slaughter or goods or both brought within the octroi-limits for consumption or use therein; and

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

(2) In this section, "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished:

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the aggregate of the following amounts, namely:—

(a) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and

(b) when the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

Scavenging-tax.

40. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, in the manner by this Act directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Water-tax.

41. *(1)* Besides the taxes mentioned in the foregoing sections, a committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Act directed, a tax, to be called the water-tax; upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

Procedure in imposing taxes.

42. *(1)* A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 39, section 40 or section 41.

(2) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Local Government, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a committee have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(a) no tax shall come into force until it has been notified;

(b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(c) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish or reduce tax.

43. A committee may, by a resolution passed at a special meeting and confirmed by the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to exempt from taxation.

44. *(1)* A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Local Government, and the Local Government may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Power for Local Government to suspend levy of tax.

45. *(1)* If at any time it appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(2) The Local Government may at any time, by notification, rescind any such suspension.

Taxes not invalid for defect of form.

46. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes when payable.

47. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Local Government, may, by rule, from time to time direct.

Receipts to be given.

48. For all sums paid on account of any tax under this Act, a receipt, stating the amount and the tax on account of which it is paid, shall be given by the person receiving the same, on request by the person making the payment.

Appeals against taxation.

49. *(1)* An appeal against the assessment or levy of any tax under this Act shall lie to the Deputy Commissioner, unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Court.

(3) On a reference being made under sub-section *(2)* the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Chapter XLVI of the Code of Civil Procedure. XIV of 1882.

Limitation of appeal.

50. *(1)* No appeal shall lie in respect of a tax on any land or building, unless it is preferred within one month after the publication of the notice prescribed by section 56, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

Taxation not to be questioned except under this Act.

51. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Act is provided.

Taxes leviable under Act IV of 1873 to be deemed to be taxes under this Act.

52. All taxes leviable in any local area under the Panjáb Municipal Act, 1873, at the time when a committee having authority over that local area comes into existence under this Act IV of 1873.

shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act.

Taxes on Immoveable Property.

Preparation of assessment-lists.

53. *(1)* The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

(a) the name of the street or division in which the property is situate;

(b) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual value, area or length of frontage on which the property is assessed; and

(e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of the measurements and of the rent or annual value.

Publication of notice of assessments.

54. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

55. *(1)* The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

Settlement of list.

56. *(1)* After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

57. *(1)* The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

New list need not be prepared every year.

58. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

59. *(1)* When a tax payable under section 39, sub-section *(1)*, clause *(a)*, or under section 40 or section 41, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(2) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 39, sub-section (1), clause (*a*), or under section 40 or section 41, is wholly or in greater part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

Taxes on immoveable property by whom payable.

60. *(1)* A tax payable under section 39, sub-section (1), clause (*a*), shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 40 or section 41 shall be paid by the occupier of the property in respect of which it is payable.

Recovery of taxes payable by owner.

61. *(1)* When any sum is due on account of a tax payable under this Act in respect of any property by the owner thereof, the

committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(2) If the bill is not paid within ten days from the presentation thereof, the committee may cause a notice of demand to be served on that person; and if he does not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of Her Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Deputy Commissioner, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

Octroi and Tolls.

62. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

Power to search where octroi is leviable.

63. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by any officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

Power to examine article liable to octroi.

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature he may possess relating to the article.

64. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Presentation of bill for octroi.

65. *(1)* In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

Recovery of octroi and tolls.

(2) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the president or a vice-president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

66. The collection of any octroi or toll may be leased by the committee, with the previous sanction of the Commissioner, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi or toll shall in respect thereof—

Power to lease the collection of octroi or tolls.

(a) be bound by any rules made by the committee for their guidance;

(b) have such powers exercisable by servants of a committee under this Act as the committee may, from time to time, confer upon them; and

(c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi or toll.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

67. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

Constitution of municipal fund.

(a) all sums received by or on behalf of the committee under this Act or otherwise;

(b) all fines realized in cases in which prosecutions are instituted under this Act or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality; and

(c) when there has been included within the municipality any municipality constituted under the Panjáb Municipal Act, 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence.

IV of 1873.

68. *(1)* The committee shall set apart and apply annually out of the municipal fund—

Application of fund.

(a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(b) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 31 and 32, and such sum as may be required for the maintenance of a police-establishment under Chapter V;

(c) thirdly, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely:—

(a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses;

(b) the watering and lighting of such streets or any of them;

(c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education, or for the benefit of the public health, and of rest-houses, saráis, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;

(e) the training of teachers and the establishment of scholarships;

(f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;

(g) the supply, storage and preservation from pollution of water for the use of men or animals;

(h) the planting and preservation of trees;

(i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(j) the holding of fairs and industrial exhibitions; and

(k) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

69. *(1)* In places where there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the municipal fund shall be kept in the treasury, sub-treasury or bank.

Custody of municipal fund.

(2) In places where there is no such treasury, sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Local Government may in each case think sufficient.

70. *(1)* A committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

Investment of same.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

71. Subject to any special reservation made by the Local Government, all property of the nature hereinafter specified and situate within the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

Property vested in committee.

(a) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of the municipal fund.

(b) All public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well.

(c) All public sewers and drains, and all sewers, drains, culverts and watercourses in, alongside or under any street, and all works, materials and things appertaining thereto.

(d) All dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere.

(e) All public lamps, lamp-posts and apparatus connected therewith or appertaining thereto.

(f) All land or other property transferred to the committee by the Government or by gift, purchase or otherwise for local public purposes.

(g) All streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

72. *(1)* The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Management of public institutions.

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(2) When any public institution is placed under the direction, management and control of the com-

Panjáb Municipal Act, 1884.
(Chapter V.—Municipal Police.—Sections 74-80.)

mittee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to Crown of property vesting in committee.

73. The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section 71 or section 72, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.

MUNICIPAL POLICE.

Police-establishment.

74. *(1)* Every committee shall, unless it is relieved of this obligation by the Local Government, maintain a sufficient police-establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.

(2) The establishment maintained under sub-section (1) shall, as the committee with the approval of the Local Government may, from time to time, determine, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the Magistrate of the district and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

Relief of committee from police-charges.

75. *(1)* The Local Government may relieve any committee of the whole or part of the cost of the police-establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(2) When a committee is relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it considers necessary, and the establishment so maintained may be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other.

Appointment, liabilities and duties of municipal watchmen.

76. *(1)* If the establishment maintained under this chapter is wholly or in part a body of watchmen, the watchmen—

(*a*) shall be under the orders of the District Superintendent of Police subject to the general control of the Magistrate of the district;

(*b*) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may, from time to time, make in this behalf;

(*c*) shall perform such duties as the Local Government may, from time to time, subject to the provisions of this Act, direct; and

(*d*) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities and be liable to the same penalties as if they were police-officers enrolled under Act V of 1861.

(2) Any person obstructing any such watchman in the discharge of his duties may be arrested without warrant by a police-officer or by any such watchman.

Duties of municipal police enrolled under Act V of 1861.

77. If the establishment maintained under this chapter or any portion thereof is part of the general police-force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

78. *(1)* Every member of a police establishment under this Act shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Every member of such police-establishment may arrest any person committing in his view any offence against this Act or the rules made thereunder—

(a) if the name and address of the person are unknown to him, or

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

Saving of section 9 of Act III of 1880.

79. Nothing in the foregoing sections of this chapter shall affect section 9 of the Cantonments Act, 1880.

III of 1880.

Police-protection at fairs, &c.

80. When special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, the Local Government may provide such protection, and the committee shall pay the whole charge thereof or such portion of the charge as the Local Government may consider equitably debitable to it.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 81-89.)

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

81. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

82. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Power to permit temporary occupation of streets, &c.

83. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

84. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

85. *(1)* The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

86. The committee at a meeting may direct that, within certain limits, to be fixed by it, the external roofs and walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

87. *(1)* If any building or part of a building projects beyond the regular line of a public street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the public street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

88. *(1)* Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions or alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and obstructions.

89. *(1)* It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 90-97.)

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

90. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Bathing and washing places.

Deposit of Offensive Matter and Slaughter-places.

91. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Removal and deposit of offensive matter.

92. *(1)* The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

Places for slaughter of animals.

(2) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

93. *(1)* The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Powers in respect of burial and burning places.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

94. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Removal of corpses.

Inflammable Materials.

95. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Inflammable materials.

Powers of Entry and Inspection.

96. *(1)* The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies and cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

Inspection of drains, privies and cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

97. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no

Power to enter and inspect buildings, &c.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 98-106.)

occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

98. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

Other powers of entry on buildings or land.

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or maintain.

99. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act for which a license has not been duly taken out.

Power to enter for discovery of vehicles or animals liable to taxation.

100. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

101. (*1*) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent, if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

Power of entry for purpose of scavenging.

(*2*) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

102. When any building, used as a human dwelling, is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Precautions to be observed in entering dwelling.

Water-pipes, Privies and Drains.

103. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

Troughs and pipes for rain-water.

104. *(1)* The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

Provision of privies, &c.

(*2*) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

105. *(1)* The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool, belonging thereto.

Repair and closing of drains, privies and cesspools.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy, or cesspool, or to make such alteration therein as it thinks fit.

106. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, watercourse or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Unauthorised buildings over drains, &c.

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 107-117.)

107. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Removal of latrines, &c., near any source of water-supply.

108. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Power to require drainage, &c., of unwholesome tanks, &c.

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

109. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Power to require buildings, wells, tanks, &c., to be secured.

110. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee consider necessary for the public safety; and if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

Buildings and Grounds in unsanitary Condition.

111. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear away noxious vegetation.

112. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to trim hedges and trees bordering on streets, wells, &c.

113. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Cleansing of filthy buildings or land.

114. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Power to prohibit use for human habitation of buildings unfit for such use.

115. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

116. *(1)* The Local Government may, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section *(1)* he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

117. *(1)* The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

Regulation of offensive and dangerous trades.

melting tallow;

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing house or tannery; or,

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

Panjáb Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 118-120.)

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

118. *(1)* If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to prohibit such trades.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

119. *(1)* A committee may, from time to time, at a special meeting, make rules—

Power to make rules.

(a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours or for a service which would ordinarily be performed within twenty-four hours;

(c) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(d) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

(e) for the inspection and proper regulation of encamping-grounds, pounds, saráis, markets and slaughter-houses;

(f) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(g) for controlling and regulating the use and management of burial and burning grounds;

(h) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(i) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax; and

(j) for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses *(a)* and *(b)* in respect of any vehicles to which that Act applies. XIV of 1879.

(2) When the authorities of any cantonment, with the sanction of the Government of India, have agreed with the committee of an adjoining municipality that the same octroi-limits shall be established for the cantonment and the municipality, and that the octroi-collections and charges shall be divided between the cantonment fund and the municipal fund, the committee may fix limits under clause *(i)* of sub-section *(1)* so as to include so much both of the cantonment and of the municipal area as it may deem necessary, and shall have the same powers of collecting octroi on animals or goods brought within such limits, and the provisions of this Act relating to octroi shall apply in the same way, as if the said limits were wholly comprised in the area of the municipality.

120. The committee of a municipality wholly or in part situated in a hilly tract may, from time to time, at a special meeting, make rules—

Additional power to make rules in hill municipalities.

(a) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones;

(*b*) for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears necessary for the prevention of danger or grave inconvenience to the public.

121. In making any rule under section 119 or section 120 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as within his power.

Penalty for infringement of rules.

122. No rule made under section 119 or section 120 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Confirmation of rules.

Supplemental.

123. *(1)* When any notice under this chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

Execution of acts required to be done by any notice.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

124. *(1)* Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

Recovery of costs of execution.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner.

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

125. *(1)* The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

Compensation out of municipal fund.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable. X of 1870.

126. *(1)* Any person aggrieved by any order made by a committee under the powers vested in it by sections 93, 114 or 118 may appeal within thirty days from the date thereof to the Commissioner when the municipality is of the first class, or to the Deputy Commissioner when the committee is of the second class; and no such order shall be liable to be called in question otherwise than by such appeal:

Appeals against certain orders of committee.

Provided that, if in the latter case the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

127. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

128. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow,

Discharging sewage.

drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

129. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Non-removal of filth, &c.

130. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

131. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 107, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Penalty for making or keeping latrines, &c., near any source of water-supply.

132. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Keeping animals so as to be injurious to health.

133. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Feeding animals on deleterious substances.

134. Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Driving vehicles without proper lights.

135. Whoever discharges fire-arms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

136. Whoever, being an elephant-driver or camel-driver, omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

Control of elephants or camels.

137. Whoever, contrary to any orders of the committee, takes an elephant along a public street or thoroughfare, shall be punishable with fine which may extend to twenty rupees.

Taking elephants along public roads.

138. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

139. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Altering, obstructing or encroaching upon streets, &c.

140. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

141. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Picketing animals and collecting carts.

142. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public shall be punishable with fine which may extend to ten rupees.

Carrying corpses by prohibited routes or so as to cause annoyance.

143. Whoever, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any public place, shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

144. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and,

Penalty for disobedience to orders of committee under last chapter.

Panjáb Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 146-151.)

in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Prosecution to be suspended in certain cases.

145. Any prosecution for an offence under section 93, or section 118, or under section 144, when the order which has been disobeyed is appealable, shall be suspended when the Magistrate learns that an appeal has been instituted pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

146. *(1)* The Commissioner of the division or the Deputy Commissioner of the district (not being a member of the committee) may—

(*a*) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immoveable property within the limits of the division or district respectively, occupied by any committee or joint committee, or any work in progress within those limits under its direction;

(*b*) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;

(*c*) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and

(*d*) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

(2) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may, from time to time, direct.

Power to suspend action of committee.

147. The Commissioner of the division or the Deputy Commissioner of the district may, by order in writing, suspend, within the division or district respectively, the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Extraordinary powers of Deputy Commissioner in case of emergency.

148. *(1)* In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

Power to provide for performance of duties in case of default of committee.

149. *(1)* When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon it by or under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the committee to that person.

(2) If the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

(3) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

Action of Deputy Commissioner or Commissioner to be immediately reported.

150. When a Deputy Commissioner makes any order under section 147, section 148 or section 149, he shall forthwith forward to the Local Government through the Commissioner, and when the Commissioner makes any order under section 147 or section 149, he shall forthwith forward to the Local Government, a copy thereof, with a statement of the reasons for making it, and with such explanation, if any, as the committee may wish to offer; and the Local Government may thereupon confirm, modify or rescind the order.

Powers of Local Government and its officers over committees.

151. *(1)* It shall be the duty of the Local Government, and of all Commissioners and Deputy Commissioners acting under its orders, to require that the proceedings of committees shall be in conformity with law.

(2) The Local Government may exercise all powers necessary for this purpose, and may, amongst other things, by order in writing, annul or modify any proceeding which it considers not to be in conformity with law.

(3) The Commissioner of the division and the Deputy Commissioner of the district may, within their jurisdiction for the same purpose, exercise such powers as may be conferred upon them by rule made in this behalf by the Local Government.

Panjáb Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 152-154.)

Power of Local Government to supersede committee in case of incompetency, persistent default or abuse of powers.

152. *(1)* If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

(2) When a committee is so superseded, the following consequences shall ensue:—

(*a*) All members of the committee shall, from the date of the notification, vacate their offices as such members:

(*b*) All powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government appoints in that behalf:

(*c*) All property vested in the committee shall, until the committee is reconstituted, vest in Her Majesty.

(3) The Local Government shall, as soon as, in its judgment, conveniently may be, constitute another committee in the place of any committee superseded under this section.

Disputes.

153. *(1)* If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a district board or cantonment authority, the matter shall be referred—

(*a*) to the Deputy Commissioner, if the local authorities concerned are in the same district;

(*b*) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(*c*) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If, in the case mentioned in clause (*a*), the Deputy Commissioner is a member of one of the committees or boards concerned, his functions under this section shall be discharged by the Commissioner.

(4) "Local authority" in this section means a municipal committee, district board or cantonment authority.

Power of Local Government to frame forms and make rules.

154. The Local Government may frame forms for any proceeding of a committee for which it considers that a form should be provided, and make rules consistent with this Act—

(*a*) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively;

(*b*) as to the division of the municipality into wards, or of the inhabitants into classes or both;

(*c*) as to the number of representatives proper for each ward or class;

(*d*) as to the qualifications of electors and of candidates for election;

(*e*) as to the registration of electors;

(*f*) as to the nomination of candidates, the time of election and the mode of recording votes;

(*g*) generally for regulating all elections under this Act;

(*h*) fixing the term of office of members and presidents of committees;

(*i*) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill;

(*j*) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought;

(*k*) as to the exhibition of tables shewing the rates of tolls chargeable on vehicles and animals entering the municipality; and

(*l*) generally as to the assessment and collection of taxes imposed under this Act and the fees payable in respect of notices of demand;

(*m*) as to the priority to be given to the several duties of the committee;

(*n*) as to the authority on which money may be paid from the municipal fund;

(*o*) as to the appointment, promotion, dismissal, suspension, reduction and fining of municipal watchmen;

(*p*) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;

(*q*) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass;

(*r*) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the person by whom, and the conditions subject to which, such plans and estimates may be sanctioned;

(*s*) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(*t*) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned;

(*u*) as to the returns, statements and reports to be submitted by committees;

(*v*) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 151;

(*w*) as to the language in which business shall be transacted, proceedings recorded and notices issued;

(*x*) as to the publication of notices; and

(*y*) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

General powers of Local Government and Commissioners.

155. In all matters connected with this Act, the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER IX.

SUPPLEMENTAL.

Prosecutions.

Authority for prosecutions.

156. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of, or with the approval of the committee.

Member not to be deemed interested in prosecution.

157. A Judge or Magistrate shall not be deemed to be a party to or personally interested in any such prosecution within the meaning of section 555 of the Code of Criminal Procedure merely because he is a member of the committee by the order or with the approval of which it has been instituted. X of 1882.

Saving of prosecutions under other laws.

158. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules.

159. *(1)* The authority empowered to make rules under section 119, section 120 or section 154 shall, before making them, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is necessary to republish the draft under this section.

(3) Every rule made under any of the said sections shall be notified in English, and in such other language or languages as the Local Government may direct; and such notification shall be conclusive evidence that the rule has been made as required by this section.

Rules to be available for purchase and inspection.

160. *(1)* A copy of all rules made under this Act shall be kept at the committee's office, and shall be open during office-hours without charge to the inspection of any inhabitant.

(2) Copies of all such rules shall be kept at the committee's office for sale to the public at a reasonable price.

Continuance of existing rules.

161. *(1)* The Local Government may, by notification, direct that any rules, regulations or byelaws made under the Panjáb Municipal Act, 1873, or any Act thereby repealed, and in force in any local area being or comprised in a municipality constituted under this Act when the committee for that municipality comes into existence under section 11, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made. IV of 1873.

(2) The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

Notices.

Authentication, service and validity of notices.

162. *(1)* Every notice issued by a committee under this Act or under any rule made thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

(2) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

163. When any notice is under the provisions of this Act to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

(*a*) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

(*b*) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication of public notices.

164. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration of Boundaries and Class of Municipality.

Notification of intention to alter limits of municipality.

165. The Local Government may, by notification published in the official Gazette, and in such other manner as may determine, declare its intention—

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification; or

(*b*) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

Alteration of limits of municipality.

166. *(1)* Any inhabitant of a municipality or local area in respect of which a notification has been published under section 165 may, if he objects to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the Local Government within six weeks from the publication of the notification in the Gazette; and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section *(1)*, the Local Government may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

167. *(1)* When a local area is excluded from a municipality under section 166,—

(*a*) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(*b*) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section *(1)* shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Effect of including local area in municipality.

168. When a local area is included in a municipality under section 166, this Act, and, except as the Local Government may otherwise by notification direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Power to change class of municipality.

169. The Local Government may, after consulting the committee, direct, by notification, that any municipality be transferred from one class to another.

Powers to except and withdraw Municipalities from provisions of Act.

Power to except municipality from provisions of Act unsuited thereto.

170. *(1)* If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by notification.

(2) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Power to withdraw municipal area altogether from operation of this Act or Act IV of 1873.

171. *(1)* The Local Government may, by notification, withdraw the local area comprised in any municipality constituted under this Act or the Panjáb Municipal Act, 1873, from the operation of the same. IV of 1873.

(2) When a notification is issued under this section in respect of any local area, the Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under the Act, shall cease to apply to the local area; the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the municipal committee shall vest in Her Majesty; and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in Her Majesty under sub-section *(2)* shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Miscellaneous.

Recovery of taxes, &c.

172. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable.

Panjáb Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 173-177. Schedule.)

173. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Powers of Governor General in Council and of Local Government exerciseable from time to time.

174. *(1)* When a person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

Relief to agents and trustees.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

175. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

Decision of question as to whether persons are "inhabitants."

176. Nothing in this Act shall affect the Local Authorities Loans Act, 1879.

Saving of Act XI of 1879.

XI of 1879.

Simla Land-tax.

Whereas there is at present levied on certain lands situate in the municipality of Simla a tax at the rate of ten rupees per two thousand five hundred square yards or fraction of two thousand five hundred square yards; It is hereby enacted as follows:—

177. *(1)* The said tax shall, unless and until a committee under this Act comes into existence for the local area comprised in that municipality, be deemed to be a tax lawfully imposed and assessed under the Panjáb Municipal Act, 1873, and leviable in addition to any other tax leviable under that Act.

Simla land-tax continued.

IV of 1873.

(2) If a committee under this Act comes into existence for that local area, the said tax shall be deemed to be a tax lawfully imposed and assessed under this Act and leviable in addition to any other tax leviable hereunder.

SCHEDULE.

(List of places referred to in Section 39.)

SIMLA.	DALHOUSIE.
DHARMSÁLA.	MURREE.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th August, 1884, and is hereby promulgated for general information:—

ACT NO. XIV OF 1884.

An Act for the validation of decisions passed by certain Settlement-officers in the Panjáb.

XIX of 1865.

WHEREAS section 21 of the Panjáb Courts Act, 1865, after conferring certain powers on the Local Government in any district in which a settlement of land-revenue might be in progress, provided as follows, namely:—"The Local Government may also, with the previous sanction of the Governor General of India in Council, invest any special officer in such district with the civil powers of a Commissioner, Deputy Commissioner, Assistant Commissioner or Tahsíldár, as defined in this Act, for the purpose of deciding suits in respect to land, or the rent, revenue or produce of land, such powers to be exercised on the Revenue side";

and whereas doubts have recently been raised as to whether the said section conferred power to invest a special officer as aforesaid with power to decide appeals in such suits;

XVII of 1877.

and whereas section 49 of the Panjáb Courts Act, 1877, provides that the Local Government may, from time to time, by notification in the official Gazette, invest any officer making or controlling a settlement of land-revenue in any local area with all or any of the powers of any Court constituted under that Act, for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in that local area;

and whereas certain officers making or controlling settlements of land-revenue have decided suits of the description mentioned in section 21 of the

XIX of 1865.

Panjáb Courts Act, 1865, or section 49 of the

XVII of 1877.

Panjáb Courts Act, 1877, and appeals in such suits, without being invested with power to decide the same;

and whereas it is apprehended that certain officers making or controlling settlements of land-revenue have exercised judicial powers when at places beyond the local limits of their jurisdiction;

and whereas for the quieting of titles and the avoidance of litigation it is expedient that the decisions passed by officers engaged in making or controlling settlements in suits of the description mentioned in section 21 of the Panjáb Courts Act, 1865, and in section 49 of the Panjáb Courts Act, 1877, and in appeals in such suits, should not be impeached for want of authority in such officers, and that the validity of such decisions should be affirmed;

XIX of 1865.

XVII of 1877.

It is hereby enacted as follows:—

1. In the portion of section 21 of the Panjáb Courts Act, 1865, hereinbefore recited the word "suits" shall be deemed to have always included appeals.

Construction of section 21 of Act XIX of 1865.

XIX of 1865.

2. When any officer making or controlling a settlement of land-revenue has decided a suit of the description mentioned in section 21 of the Panjáb Courts Act, 1865, or section 49 of the Panjáb Courts Act, 1877, or an appeal in any such suit, and his decision would, if he had been duly invested with power under either of those sections to decide such suits or appeals, have been valid, the decision shall not be deemed invalid or deprived of any of its effect by reason of the objection that he was not so invested:

Validation of decisions of certain unauthorized officers.

XIX of 1865.

XVII of 1877.

Provided that a decision heretofore declared by any competent Court to be invalid on the ground that the officer who decided the suit or appeal was not authorized to decide the same shall not be rendered valid by this section.

3. When the decision of an officer making or controlling a settlement of land-revenue would be deemed valid if it had been passed by him within a particular local area, it shall not be deemed invalid or deprived of any of its effect by reason of the objection that at the time when he passed it he was beyond the limits of that local area.

Validation of decisions passed beyond local limits of jurisdiction.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 13, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th August, 1884, and is hereby promulgated for general information:—

ACT No. XIV OF 1884.

An Act for the validation of decisions passed by certain Settlement-officers in the Panjáb.

XIX of 1865. WHEREAS section 21 of the Panjáb Courts Act, 1865, after conferring certain powers on the Local Government in any district in which a settlement of land-revenue might be in progress, provided as follows, namely:—"The Local Government may also, with the previous sanction of the Governor General of India in Council, invest any special officer in such district with the civil powers of a Commissioner, Deputy Commissioner, Assistant Commissioner or Tahsíldár, as defined in this Act, for the purpose of deciding suits in respect to land, or the rent, revenue or produce of land, such powers to be exercised on the Revenue side";

and whereas doubts have recently been raised as to whether the said section conferred power to invest a special officer as aforesaid with power to decide appeals in such suits;

XVII of 1877. and whereas section 49 of the Panjáb Courts Act, 1877, provides that the Local Government may, from time to time, by notification in the official Gazette, invest any officer making or controlling a settlement of land-revenue in any local area with all or any of the powers of any Court constituted under that Act, for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in that local area;

XIX of 1865. XVII of 1877. and whereas certain officers making or controlling settlements of land-revenue have decided suits of the description mentioned in section 21 of the Panjáb Courts Act, 1865, or section 49 of the Panjáb Courts Act, 1877, and appeals in such suits, without being invested with power to decide the same;

and whereas it is apprehended that certain officers making or controlling settlements of land-revenue have exercised judicial powers when at places beyond the local limits of their jurisdiction;

and whereas for the quieting of titles and the avoidance of litigation it is expedient that the decisions passed by officers engaged in making or controlling settlements in suits of the description mentioned in section 21 of the Panjáb Courts Act, 1865, and in section 49 of the Panjáb Courts Act, 1877, and in appeals in such suits, should not be impeached for want of authority in such officers, and that the validity of such decisions should be affirmed;

XIX of 1865. XVII of 1877.

It is hereby enacted as follows:—

Construction of section 21 of Act XIX of 1865.

1. In the portion of section 21 of the Panjáb Courts Act, 1865, hereinbefore recited the word "suits" shall be deemed to have always included appeals. XIX of 1865.

Validation of decisions of certain unauthorized officers.

2. When any officer making or controlling a settlement of land-revenue has decided a suit of the description mentioned in section 21 of the Panjáb Courts Act, 1865, or section 49 of the Panjáb Courts Act, 1877, or an appeal in any such suit, and his decision would, if he had been duly invested with power under either of those sections to decide such suits or appeals, have been valid, the decision shall not be deemed invalid or deprived of any of its effect by reason of the objection that he was not so invested: XIX of 1865. XVII of 1877.

Provided that a decision heretofore declared by any competent Court to be invalid on the ground that the officer who decided the suit or appeal was not authorized to decide the same shall not be rendered valid by this section.

Validation of decisions passed beyond local limits of jurisdiction.

3. When the decision of an officer making or controlling a settlement of land-revenue would be deemed valid if it had been passed by him within a particular local area, it shall not be deemed invalid or deprived of any of its effect by reason of the objection that at the time when he passed it he was beyond the limits of that local area.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 27, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th September, 1884, and is hereby promulgated for general information:—

ACT NO. XV OF 1884.

An Act for the validation of certain licenses to solemnize Marriages granted to Ministers of Religion under Act XXV of 1864.

WHEREAS by section 4 of Act XXV of 1864 *(to provide further for the solemnization of Marriages in India of persons professing the Christian Religion)* it was enacted that, from and after the first day of July, 1864, certain Governments therein named should have authority to grant licenses to ministers of religion to solemnize marriages within the territories subject to such Governments respectively;

And whereas, in exercise of the authority so conferred, the Governments therein named granted licenses to certain ministers of religion to solemnize marriages;

And whereas Act XXV of 1864 was repealed by Act V of 1865 *(to provide for the solemnization of Marriages in India of persons professing the Christian Religion)*;

And whereas by section 9 of the latter Act it was enacted that, from and after the commencement of that Act, all marriages which should be solemnized in India otherwise than in accordance with the provisions of the fifth and sixth sections of that Act should be null and void;

And whereas by section 6 of the same Act it was enacted that marriages might be solemnized in India by (among other persons) any minister of religion who, under the provisions of that Act, had obtained a license to solemnize marriages;

And whereas Act V of 1865 was repealed by the Indian Christian Marriage Act, 1872; XV of 1872.

And whereas by section 4 of the latter Act it is enacted that every marriage between persons, one or both of whom is a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and that any such marriage solemnized otherwise than in accordance with such provisions shall be null and void;

And whereas by the next following section of the same Act it is enacted that marriages may be solemnized in India by (among other persons) any minister of religion licensed under the same Act to solemnize marriages;

And whereas neither in Act V of 1865 nor in the Indian Christian Marriage Act, 1872, was there or is there any provision either saving licenses granted under Act XXV of 1864 or permitting a marriage to be solemnized by a minister of religion who had obtained a license to solemnize marriages under Act XXV of 1864 only; XV of 1872.

And whereas certain marriages have been solemnized both while Act V of 1865 was in force and since the passing of the Indian Christian Marriage Act, 1872, by ministers of religion who had obtained licenses to solemnize marriages under Act XXV of 1864, but had never obtained licenses to solemnize marriages under Act V of 1865 or the Indian Christian Marriage Act, 1872, as the case may be, and doubts have therefore arisen as to the validity of such marriages; XV of 1872. XV of 1872.

And whereas it is expedient to remove such doubts and to declare the continued validity of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864;

It is hereby enacted as follows:—

Validation of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864.

1. A license to solemnize marriages granted to a minister of religion under Act XXV of 1864 shall be deemed, if in force on the date on which Act V of 1865 came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the date on which the Indian Christian Marriage Act, 1872, came into force, to have been since that Act came into force, and to be, a license granted under that Act. XV of 1872

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 4, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th September, 1884, and is hereby promulgated for general information:—

ACT No. XV OF 1884.

An Act for the validation of certain licenses to solemnize Marriages granted to Ministers of Religion under Act XXV of 1864.

WHEREAS by section 4 of Act XXV of 1864 (*to provide further for the solemnization of Marriages in India of persons professing the Christian Religion*) it was enacted that, from and after the first day of July, 1864, certain Governments therein named should have authority to grant licenses to ministers of religion to solemnize marriages within the territories subject to such Governments respectively;

And whereas, in exercise of the authority so conferred, the Governments therein named granted licenses to certain ministers of religion to solemnize marriages;

And whereas Act XXV of 1864 was repealed by Act V of 1865 (*to provide for the solemnization of Marriages in India of persons professing the Christian Religion*);

And whereas by section 9 of the latter Act it was enacted that, from and after the commencement of that Act, all marriages which should be solemnized in India otherwise than in accordance with the provisions of the fifth and sixth sections of that Act should be null and void;

And whereas by section 6 of the same Act it was enacted that marriages might be solemnized in India by (among other persons) any minister of religion who, under the provisions of that Act, had obtained a license to solemnize marriages;

And whereas Act V of 1865 was repealed by the Indian Christian Marriage Act, 1872; XV of 1872.

And whereas by section 4 of the latter Act it is enacted that every marriage between persons, one or both of whom is a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and that any such marriage solemnized otherwise than in accordance with such provisions shall be null and void;

And whereas by the next following section of the same Act it is enacted that marriages may be solemnized in India by (among other persons) any minister of religion licensed under the same Act to solemnize marriages;

And whereas neither in Act V of 1865 nor in the Indian Christian Marriage Act, 1872, was there or is there any provision either saving licenses granted under Act XXV of 1864 or permitting a marriage to be solemnized by a minister of religion who had obtained a license to solemnize marriages under Act XXV of 1864 only; XV of 1872.

And whereas certain marriages have been solemnized both while Act V of 1865 was in force and since the passing of the Indian Christian Marriage Act, 1872, by ministers of religion who had obtained licenses to solemnize marriages under Act XXV of 1864, but had never obtained licenses to solemnize marriages under Act V of 1865 or the Indian Christian Marriage Act, 1872, as the case may be, and doubts have therefore arisen as to the validity of such marriages; XV of 1872. XV of 1872.

And whereas it is expedient to remove such doubts and to declare the continued validity of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864;

It is hereby enacted as follows:—

Validation of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864.

1. A license to solemnize marriages granted to a minister of religion under Act XXV of 1864 shall be deemed, if in force on the date on which Act V of 1865 came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the date on which the Indian Christian Marriage Act, 1872, came into force, to have been since that Act came into force, and to be, a license granted under that Act. XV of 1872.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1884, and is hereby promulgated for general information :—

ACT NO. XVI OF 1884.

An Act to provide more effectually for the suppression of certain forms of Gaming in British Burma.

WHEREAS it is expedient to provide more effectually for the suppression of certain forms of gaming in British Burma; It is hereby enacted as follows :—

Short title, extent and commencement.

1. *(1)* This Act may be called the Burma Gaming Act, 1884.

(2) It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force at once.

Application of Act III of 1867 to game of *ti* and like games.

2. *(1)* Taking part in the game of "*ti*," or in any other game or pretended game of a like nature, shall be deemed gaming and playing within the meaning of Act III of 1867.

(2) Every house, walled enclosure, room or place, whether public or private, where any such game or pretended game is carried on, shall, for the purposes of that Act, be deemed a common gaming-house, and all expressions referring to the use of any such house, enclosure, room or place as a common gaming-house shall include the use thereof for any such game or pretended game on a single occasion.

(3) All boxes, receptacles, lists, papers, tickets and forms used for the purpose of any such game or pretended game shall be deemed instruments of gaming within the meaning of the said Act.

Penalty on conducting game of *ti* and like games.

3. Whoever conducts or assists in conducting the game of "*ti*," or any other game or pretended game of a like nature, as manager, stakeholder or *daing*, or who is according to the rules of the game or pretended game entitled to receive the surplus proceeds, or any part of the surplus proceeds, of the stakes, after deducting the amount payable to the successful player or players, or who promotes the game or pretended game by soliciting or collecting stakes or otherwise, shall be punished with imprisonment for a term which may for a first offence extend to six months, and for a subsequent offence to two years, or with fine, or with both.

Power to extend local application of Act III of 1867 within British Burma.

4. *(1)* The Chief Commissioner may, from time to time, by notification published in the official Gazette, extend to the whole or any part of the territories for the time being under his administration any such of the provisions of Act III of 1867 as do not for the time being extend thereto.

(2) From the date of any such extension so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with or repugnant to any provision so extended shall cease to have effect in those territories.

Power to invest 2nd class Magistrate with powers under Act III of 1867, section 5.

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6. In section 13 of Act III of 1867—

(*a*) for the words "public street, place or thoroughfare," where they first occur, the words "street or thoroughfare or place to which the public have access" shall be substituted; and

(*b*) in the last clause, for the words "such public place" the words "such place" shall be substituted.

Power to arrest without warrant.

7. A police-officer may arrest without warrant any person soliciting or collecting stakes for the game of *ti*, or any other game or pretended game of a like nature, in any street or thoroughfare or place to which the public have access.

Power to demand security.

8. Whenever a District Magistrate, Sub-divisional Magistrate or, when he is specially empowered in this behalf by the Local Government, a Magistrate of the first class receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by carrying on, or assisting in carrying on, the game of *ti*, or any other game or pretended game of a like nature, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code of Criminal Procedure; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise. X of 1882.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1884, and is hereby promulgated for General information :—

ACT NO. XVII OF 1884.

THE BURMA MUNICIPAL ACT, 1884.

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An Act to amend the law relating to Municipalities in British Burma.

WHEREAS it is expedient to amend the law relating to Municipalities in British Burma; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. *(1)* This Act may be called the Burma Municipal Act, 1884.

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

(3) It shall come into force on such date as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

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

"municipality" means a local area declared under Chapter II to be a municipality;

"inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any local area which is declared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act; and

"street" means any street, road, thoroughfare, passage or place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street.

Burma Municipal Act, 1884.
(Chapter II.—Constitution of Municipalities.—Sections 3-5.)
(Chapter III.—Organization of Municipal Committees.—Sections 6-9.)

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

Proposal to create municipality.

3. *(1)* The Local Government may, by notification published in the official Gazette and in such other manner as the Local Government may determine, propose to declare any town, or any group of towns in the immediate neighbourhood of one another, a municipality under this Act.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

Creation of municipality.

4. *(1)* Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired and the Local Government has considered the objections (if any) which have been submittted under sub-section *(1)*, the Local Government may, by a notification in the official Gazette, declare the local area to be a municipality under this Act.

Application of Act to existing municipalities.

5. *(1)* The Local Government may, by notification in the official Gazette, declare any local area which is a municipality established under the British Burma Municipal Act, 1874, to be a municipality under this Act, and shall, within three months from the date on which this Act comes into force, so declare every such local area, unless, before the expiration of that period,—

VII of 1874.

(*a*) that local area is comprised in some local area declared to be a municipality under section 4; or

(*b*) the Local Government has declared, by a notification in the official Gazette, that the provisions of this Act are unsuited to that local area.

(2) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members and the president and vice-president of the committee for that local area appointed *ex officio*, by nomination and by election under the said British Burma Municipal Act, 1874, and then in office, shall, on and from a day fixed by the notification, be deemed respectively to have been appointed by virtue of an office and by name and elected under this Act as members, president and vice-president of a municipal committee for the local area, and shall hold office as such members, president and vice-president for such term as may be fixed by the notification.

VII of 1874

CHAPTER III.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality, and consisting of—

(*a*) so many inhabitants of the municipality as may be determined by the Local Government elected in manner next hereinafter prescribed to represent wards of the municipality or particular classes of the inhabitants; and

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Local Government may appoint by name or by virtue of an office in this behalf:

Provided that—

(1) when the circumstances of the municipality are, in the opinion of the Local Government, such as to require it, the Local Government may appoint a larger proportion of, or all, the members of the committee; and

(2) when any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Power to Local Government to make rules regarding election.

7. *(1)* The Local Government shall, for every municipality in which a system of election is introduced, make rules regulating the following matters, namely:—

(*a*) the division of the municipality into wards, or of the inhabitants into classes, or both;

(*b*) the number of representatives proper for each ward or class;

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2) The Local Government may, after the municipal committee has come into existence as herein, after provided, amend, after consulting the committee, the rules made under this section; but any amendment made under this sub-section shall not take effect until six months after it has been published in the official Gazette.

(3) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

Term of office of members.

8. *(1)* A member of a municipal committee, when appointed by virtue of an office, shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(2) The term of office of all other elected and appointed members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation of member of committee.

9. A member of a municipal committee may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 10-18.)

Removal of member.

10. *(1)* The Local Government may remove any member of a municipal committee who ceases to be an inhabitant of the municipality, or refuses to act, or becomes in the opinion of the Local Government incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the committee.

(2) A person removed under this section on any ground except that first mentioned shall be disqualified for election until the Local Government otherwise directs.

Filling of casual vacancies.

11. *(1)* When the place of an elected member of a municipal committee becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected in manner prescribed under section 7 to fill the place.

(2) When the place of a member of a municipal committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be again elected or appointed.

Incorporation of municipal committee.

12. Every municipal committee shall be a body corporate by the name of the municipal committee of its municipality, shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name:

Provided that a committee shall not transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government.

Time for committees coming into existence.

13. A municipal committee shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf:

Provided that a committee constituted under section 5, sub-section (2), shall come into existence on the day fixed under that sub-section.

Consequences of establishment of municipal committee where municipal committee under Act VII of 1874 exists.

14. When a municipal committee comes into existence under section 13 for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area which is a municipality under the British Burma Municipal Act, 1874, the following consequences shall ensue, namely:—

VII of 1874.

(*a*) the said Act shall cease to apply to the local area;

(*b*) the municipal committee (if any) constituted under that Act for the local area (hereinafter called the old committee) shall cease to exist;

(*c*) all property vested in the old committee shall for the purposes of this Act vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(*d*) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Act had not been passed;

(*e*) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee and shall not be dismissed from that employment without the sanction of the Local Government; and

(*f*) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

Member of municipal committee to be municipal commissioner.

15. Every member of a municipal committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

President and Vice-president.

Election of president and vice-president.

16. A municipal committee shall, from time to time, at a special meeting, elect one of its members to be president, and may, from time to time, at a like meeting, elect another of its members to be vice-president:

Provided that in such municipalities, if any, as the Local Government may, by notification in the official Gazette, exempt from the operation of this section, the president shall, until the notification is rescinded by a like notification, be appointed by the Local Government from among the members of the committee.

Term of office of president and vice-president.

17. *(1)* The term of office of a president or vice-president shall be one year, and on the expiration of that period he may be again elected or appointed.

(2) Nothing in this section shall affect section 5, sub-section (2).

Casual vacancies in office of president or vice-president.

18. *(1)* If a president elected by a municipal committee or a vice-president dies, ceases to be a member of the committee or resigns his office, the committee shall, at a special meeting, elect another of its members to be president or vice-president.

(2) If a president appointed by the Local Government dies, ceases to be a member of the committee or resigns his office, the Local Government shall appoint another president.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 19-28.)

until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments and Removals.

Notification of appointments, &c.

19. All elections and appointments of presidents and vice-presidents, and all elections, appointments and removals of members, of municipal committees, shall be notified in the local official Gazette, and no such election or appointment shall take effect until it is so notified.

Conduct of Business.

Time for holding meetings.

20. *(1)* A municipal committee shall meet for the transaction of business at least once in every month, at such time as may, from time to time, be fixed by the rules made under section 27.

(2) The president, or, in his absence, the vice-president, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth or two of the members of the committee, convene an ordinary or a special meeting at any other time.

Ordinary and special meetings.

21. *(1)* A meeting of a municipal committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

Quorum.

22. *(1)* The quorum necessary for the transaction of business at a special meeting of a municipal committee shall be one-half of the whole committee:

Provided that, when the committee consists of less than six members, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a municipal committee shall be such number, not less than three, as may, from time to time, be fixed by the rules made under section 27:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted by the adjourned meeting whether there is a quorum present thereat or not.

Chairman of meeting.

23. *(1)* At every meeting of a municipal committee the president, if present, shall preside as chairman.

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting and the vice-president is present, he shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Vote of majority decisive.

24. *(1)* Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before any meeting of a municipal committee shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman at the meeting shall have a second or casting vote.

Resolutions to be recorded and published.

25. Every resolution passed by a municipal committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be open to inspection by the public at the municipal office at all reasonable times without charge, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may direct.

Language of committee.

26. The discussions and proceedings of a municipal committee shall be conducted and recorded either in English or in Burmese, as the committee at a special meeting may, from time to time, decide:

Provided that, if the discussions and proceedings are conducted and recorded in English, the committee shall provide for interpreting and translating them into Burmese for the benefit of members who do not understand English.

Power to make rules as to conduct of business.

27. *(1)* A municipal committee may, from time to time, at a special meeting, make rules consistent with this Act as to—

(*a*) the time and place of its meetings;

(*b*) the manner in which notice thereof is to be given;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings, and the adjournment of meetings;

(*e*) the person or persons to be primarily responsible for the current executive administration and their powers; that is to say, what portion of the executive authority shall be exercised by the president, by the vice-president, by sub-committees, by individual members and by officers or servants of the committee;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money paid under this Act; and

(*g*) any other similar matters.

(2) A rule made under clause *(e)* shall not take effect until it has been confirmed by the Local Government, and no rule made under this section shall take effect until it has been published in such manner as the Local Government may direct.

Extraordinary powers of president and vice-president in case of emergency.

28. In cases of emergency the president, or in his absence the vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Provided that—

(*a*) he shall not act under this section in contravention of any order of the committee passed at a meeting; and

(*b*) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 29-38.)

Joint Committees.

Joint committee of two or more committees or cantonment authorities.

29. A municipal committee may, from time to time, concur with any other municipal committee or cantonment authority, or with more than one such committee or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which it is appointed.

Defects in Constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

30. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a municipal committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

Appointment of secretary.

31. *(1)* A municipal committee shall, from time to time, at a special meeting, appoint one of its members or some other person to be its secretary, and may at a like meeting remove any person so appointed.

(2) If a secretary is a member of the committee, he shall receive no remuneration in respect of his services. If he is not a member of the committee, the committee may, with the previous sanction of the Commissioner, assign to him any such pay as it thinks fit.

Employment of other officers and servants.

32. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal committee may appoint and remove, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to those officers and servants such pay as it thinks fit.

Power to prevent extravagance in establishments.

33. If, in the opinion of the Commissioner, the number of persons employed by a municipal committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving the committee.

34. In the case of a Government official, a municipal committee may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions of other officers and servants.

35. In the case of an officer or servant not being a Government official referred to in section 34, a municipal committee may—

(1) grant him leave-allowances and, if he is employed under the committee appointed under the British Burma Municipal Act, 1874, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and VII of 1874.

(2) if empowered in this behalf by the Local Government—

(*a*) subscribe in his behalf for pension or gratuity under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the servant would be entitled if the service had been service under Government.

Contracts and Transfers of Property.

Mode of executing contracts and transfers.

36. *(1)* When a contract made by or on behalf of a municipal committee exceeds in value or amount one hundred rupees, it must be in writing, and must be signed by the president or vice-president and at least one other member of the committee.

(2) A transfer of immoveable property belonging to the committee must be made by an instrument in writing, executed by the president or vice-president and by at least two other members of the committee.

(3) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the committee.

Penalty on member, officer or servant of committee being interested in contract made with committee.

37. *(1)* If any member, officer or servant of a municipal committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code. XLV of 1860.

(2) A person shall not, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Acquisition of land.

Acquisition of land under Act X of 1870.

38. Where any land, whether within or without the limits of a municipality, is required by a municipal committee for the purposes of this Act or for any other object which it is em-

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 39-40.)
(Chapter IV.—Taxation.—Sections 41-43.)

powered to carry out under any other enactment for the time being in force, the Local Government may, at the request of the municipal committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee.

X of 1870.

Privileges and Liabilities.

Suits against committee and its officers.

39. No suit shall be instituted against a municipal committee or against an officer of any such committee in respect of an act purporting to be done by him in his official capacity until the expiration of one month next after notice in writing has been, in the case of a committee, delivered to or left at its office, and in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Liability for loss, waste or misapplication.

40. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a municipal committee, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee, and a suit for compensation may be instituted against him by the committee or by the Secretary of State for India in Council.

CHAPTER IV.
TAXATION.
General Provisions.

Taxes which may be imposed for general purposes of Act.

41. *(1)* Subject to any general rules or special orders which the Governor General in Council may make in this behalf, a municipal committee may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 45, any of the following taxes, namely:—

(A) with the previous sanction of the Local Government—

(a) a tax on buildings and lands situate within the municipality or any part thereof, not exceeding five per centum of the annual value of the buildings and lands;

(b) a tax on lands covered by buildings and situate as aforesaid, at a rate not exceeding one pie per square foot per annum;

(c) a tax on houses situate as aforesaid, according to the number of posts in each, at rates not exceeding the following, namely:—

For a house having not more than 2 posts	Rs. A. 0 8	per annum.
For a house having 3 posts	1 8	„
For a house having 4 posts	2 8	„
For a house having 5 posts	4 0	„
For a house having 6 posts	7 0	„
For a house having 7 posts	10 0	„

and when a house has more than seven posts, four rupees eight annas additional per annum for each post above seven;

(d) a tax on vehicles, boats and animals used for driving, riding, draught or burden, and dogs, kept within the municipality or any part thereof;

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided as follows:—

(e) only one of the taxes mentioned in clauses *(a)*, *(b)* and *(c)* shall be imposed in respect of the same property; and

(f) in assessing a house to the tax mentioned in clause *(c)*, only posts facing a road or street shall be counted, except in the case of bázárs or large buildings extending through from street to street, in which case the posts contained in one row from street to street, instead of those facing streets, may, in the discretion of the assessing authority, be counted.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished;

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption, would have been leviable.

Water-tax.

42. *(1)* Besides the taxes imposed under section 41, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of such works, impose in manner prescribed by section 45, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, together with the estimated income from payments for water supplied from the works under special contracts or otherwise, should not exceed the amount required for the said purpose.

Lighting-tax.

43. Besides the taxes imposed under the foregoing sections, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of lighting the public streets throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for lighting those streets, impose, in manner prescribed by section 45, a tax, to be called the lighting-tax, upon buildings and lands situate

Burma Municipal Act, 1884.
(Chapter IV.—Taxation.—Sections 44-51.)

within the municipality or that part thereof, as the case may be:

Provided that in fixing the rate or amount of the tax regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

Scavenging-tax.

44. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, impose, in manner prescribed by section 45, upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Procedure in imposing such taxes.

45. *(1)* A municipal committee may resolve, at a special meeting, to propose the imposition of any tax under section 41, 42, 43 or 44.

(2) When a resolution has been passed under sub-section (1), the committee shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax and objecting to the same may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no objection is received within the said period of thirty days, or if the objections received, having been considered as aforesaid, are deemed insufficient, the committee may submit its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid and its decision thereon.

(5) The Local Government, on receiving such proposals may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction the same, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal committee in respect of a tax have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(a) no tax shall come into force until it has been notified;

(b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(c) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish or reduce tax.

46. A municipal committee may, at a special meeting, with the sanction of the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to Local Government to suspend levy of tax.

47. *(1)* If it at any time appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the municipal committee to take, within a specified period, measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may, by notification, suspend the levy of the tax or of any part thereof until the objection has been removed.

(2) The Local Government may at any time by a like notification, rescind any such suspension.

Power to make rules for assessment, collection and remission of taxes.

48. *(1)* The Local Government may make rules for the assessment, collection and remission of taxes leviable under this Act and preventing evasion of the same:

Provided that every such rule shall be consistent with the provisions of this Act and with the proposals sanctioned in respect of the tax under section 45.

(2) In making any rule under this section the Local Government may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

Taxes not invalid for defect of form.

49. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of the tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes leviable under Act VII of 1874 to be deemed to be taxes under this Act.

50. All taxes leviable in any local area under the British Burma Municipal Act, 1874, at the time when a municipal committee having authority over that local area comes into existence under this Act, shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act. VII of 1874.

Taxes on Immoveable Property.

Preparation of assessment-list.

51. (1) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

Burma Municipal Act, 1884.
(Chapter IV.—Taxation.—Sections 52-59.)
(Chapter V.—Funds and Property.—Section 60.)

(a) the name of the street or division in which the property is situate;

(b) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual value, area or number of posts on which the property is assessed; and

(e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of the measurements or number of posts or of the rent or annual value.

Publication of notice of assessments.

52. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

53. *(1)* The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

Settlement of list.

54. *(1)* After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

55. *(1)* The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently assessed through mistake, oversight or fraud, after giving notice to any person interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

New list need not be prepared every year.

56. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the assessment for the year following, giving the same notice of the assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

57. When a tax payable under section 41, clause *(a)*, *(b)* or *(c)*, or under section 42, 43 or 44, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

Taxes under section 41, clauses *(a)*, *(b)* and *(c)*, from whom due.

58. Every tax payable under section 41, clause *(a)*, *(b)* or *(c)*, shall be due jointly and severally from all persons who have been in occupation of the building or land assessed at any time during the year of assessment, or, when the tax is payable by instalments, at any time during the period in respect of which the instalment is payable, and from all persons who have held under them as tenants, mortgagees or conditional vendees.

Tax under sections 42, 43 and 44 payable by occupier.

59. Every tax leviable under section 42, 43 or 44 shall be payable by the occupier of the building or land in respect of which it is payable.

CHAPTER V.

FUNDS AND PROPERTY.

Municipal fund constituted.

60. There shall be formed for each municipality a municipal fund, and there shall, except as by this Act provided, be credited thereto—

(a) all sums received by or on behalf of the committee under this Act or otherwise;

(b) all fines realized in cases in which prosecutions are instituted under this Act or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality;

(c) any sums which the Local Government may annually assign, as it is hereby empowered to do, to the municipal fund from the port fund of any port abutting on or within the municipality as being in its opinion a just and reasonable contribution towards the expenditure rendered necessary by the resort to the municipality of seamen from ships lying in the port; and

(d) when there has been included within the municipality a municipality constituted under the British Burma Municipal Act, 1874, the balance (if any) standing at the credit of the funds of that municipality at the time when the municipal committee came into existence.

VII of 1874.

Burma Municipal Act, 1884.
(Chapter V.—Funds and Property.—Sections 61-64.)

Application of fund.

61. *(1)* The committee shall set apart and apply annually out of the municipal fund—

(a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(b) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 34 and 35,

(c) thirdly, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely:—

(a) the construction, maintenance, improvement, cleansing and repair of streets, and of public bridges, embankments, drains, latrines, tanks and water-courses;

(b) the watering and lighting of the streets or any of them;

(c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, zayáts, wharves, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions;

(e) the training of teachers and the establishment of scholarships;

(f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity:

(g) the supply, storage and preservation from pollution of water for the use of men or animals;

(h) the planting and preservation of trees;

(i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(j) the holding of fairs and industrial exhibitions; and

(k) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

School fund.

62. *(1)* There shall be formed for each municipality a school fund. To this fund shall be credited—

(a) the fees levied in schools maintained at the cost of the school fund;

(b) any assignment that may be made to the school fund from provincial funds or from any district or local fund;

(c) any other funds or income that may be entrusted to the municipality for the promotion of education; and

(d) any sums assigned for educational purposes from the municipal fund.

(2) The Local Government may fix for any municipality the minimum proportion of the municipal fund that shall be yearly assigned to the school fund under clause *(d)*: Provided that the minimum so fixed shall not exceed 5 per cent. on the gross annual income of the municipality.

(3) **No expenditure, except expenditure for the promotion of education, shall be charged against the school fund. In case of doubt the Commissioner shall decide whether any expenditure is or is not for the promotion of education.**

Custody of, and disbursements from, funds.

63. *(1)* The balances standing to the credit of the municipal fund and school fund shall, if there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over situate within the municipality, be kept in that treasury, sub-treasury or bank. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury or bank as aforesaid, and such money as may be required for current expenditure shall be kept by the committee in a strong box in such place and under such precautions as the committee may, from time to time, direct.

(2) **No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the committee.**

Investment of same.

64. *(1)* A municipal committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund or school fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of the like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund or school fund, as the case may be.

Burma Municipal Act, 1884.
(Chapter V.—Funds and Property.—Sections 65-67.)
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 68-74.)

65. Subject to any special reservation made by the Local Government, all property in a municipality of the nature hereinafter specified shall be vested in and belong to the municipal committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

Property vested in municipality.

(*a*) all public townhalls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of municipal funds;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes and other waterworks, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and watercourses in, alongside or under any street, and all works, materials and things appertaining thereto;

(*d*) all dust, dirt, dung, ashes, refuse, animal-matter or filth, or rubbish of any kind, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere;

(*e*) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) all land or other property transferred to the committee by the Government or by gift or otherwise for local public purposes; and

(*g*) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

66. (*1*) The management, control and administration of every public institution maintained out of municipal funds shall vest in the committee:

Management of public institutions.

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(*2*) When any public institution is placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

67. The committee may, with the sanction of Local Government, transfer to Her Majesty any property vesting in the committee under section 65 or section 66, but not so as to affect any trusts or public rights subject to which the property is held.

Transfer to Crown of property vesting in committee.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

68. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to acquire land for building-sites adjoining new streets.

69. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Power to close streets.

70. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to permit temporary occupation of streets, &c.

71. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Power to attach brackets for lamps.

72. (*1*) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

Names of streets and numbers of buildings.

(*2*) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

73. The committee at a meeting may direct that, within certain limits, to be fixed by it, the external roofs and walls of huts or other buildings shall not be made or renewed of bamboos, grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Roofs and external walls not to be made of inflammable materials.

74. (*1*) If any building or part of a building projects beyond the regular line of a public street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the public street and shall vest in the committee:

Power to regulate line of buildings.

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 75-80.)

(*2*) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

75. (*1*) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

Notice of new buildings.

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(*2*) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions or alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

76. (*1*) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

Removal of projections and obstructions.

(*2*) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(*3*) The committee may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

77. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Bathing and washing places

Deposit of Offensive Matter and Slaughter-places.

78. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Removal and deposit of offensive matter.

79. (*1*) The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

Places for slaughter of animals.

(*2*) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(*3*) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(*4*) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

80. (*1*) The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Powers in respect of burial and burning places.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 81-89.)

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

Removal of corpses.

81. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable materials.

82. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting bamboos, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools.

83. *(1)* The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies and cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power to enter and inspect buildings, &c.

84. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on buildings or land.

85. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation

86. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act and which has not been so taxed.

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

87. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Power of entry for purpose of scavenging.

88. *(1)* The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

(2) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions to be observed in entering dwelling.

89. When any building, used as a human dwelling, is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 90-101.)

Water-pipes, Privies and Drains.

Troughs and pipes for rain-water.

90. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

Provision of privies, &c.

91. *(1)* The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

Repair, alteration and closing of drains, privies and cesspools.

92. *(1)* The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool, belonging thereto.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

Unauthorised buildings over drains, &c.

93. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, watercourse or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, &c., near any source of water-supply.

94. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Power to require drainages, &c., of unwholesome tanks, &c.

95. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, &c., to be secured.

96. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

97. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee consider necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in unsanitary Condition.

Power to require owner to clear away noxious vegetation.

98. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to trim hedges and trees bordering on streets, wells, &c.

99. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Cleansing of filthy buildings or land.

100. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power to prohibit use for human habitation of buildings unfit for such use.

101. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 102-106.)

102. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

103. *(1)* The committee, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the municipality is injurious to the health of persons dwelling in the neighbourhood, may, with the previous sanction of the Local Government, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section *(1)*, he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

104. *(1)* The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

Regulation of offensive and dangerous trades.

melting tallow;

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing-house or tannery; or,

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may impose such conditions in respect of such license as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

105. *(1)* If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to prohibit such trades.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

106. A committee may, from time to time, at a special meeting, make rules—

Power to make rules.

(*a*) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(*b*) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(*c*) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 107-112.)

(*e*) for the inspection and proper regulation of encamping-grounds, pounds, zayáts, wharves not within the limits of any port, markets and slaughter-houses;

(*f*) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(*g*) for controlling and regulating the use and management of burial and burning grounds;

(*h*) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use; and

(*i*) for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses (*a*) and (*b*) in respect of any vehicles to which that Act applies.

XIV of 1879.

107. In making any rule under section 106 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of, or in addition to, such fine the Magistrate may require the offender to remedy the mischief so far as within his power.

Penalty for infringement of rules.

108. No rule made under section 106 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Confirmation of rules.

Supplemental.

109. *(1)* When any notice under this chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

Execution of acts required to be done by any notice.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

110. *(1)* Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

Recovery of costs of execution.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner.

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

111. *(1)* The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

Compensation out of municipal fund.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

X of 1870.

112. *(1)* Any person aggrieved by any order made by a committee under the powers vested in it by sections 80, 101 or 105 may appeal within thirty days from the date thereof to the Commissioner or to the Deputy Commissioner as the Local Government may prescribe in this behalf; and no such order shall be liable to be called in question otherwise than by such appeal:

Appeals against certain orders of committee.

Provided that, if the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

Burma Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 113-126.)

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

113. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Throwing corpse or carcass into river, &c.

114. Whoever throws or causes to be thrown any corpse or carcass or any part thereof into any river, stream, well, lake, canal, tank or any other such place shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

115. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Non-removal of filth, &c.

116. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any carcass, dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

117. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

118. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 91, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals in disregard of orders.

119. Whoever keeps any swine, buffaloes, cows, oxen, sheep or goats in disregard of any orders which the committee may give to prevent them from becoming a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

120. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

121. Whoever drives any vehicle after dark in any public street or thoroughfare unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

122. Whoever discharges fire-arms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

123. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place, shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

124. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building

125. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Penalty on exposure of infected persons and things.

126. Any person who—

(1) while suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor or driver thereof that he is so suffering; or,

(2) being in charge of any person so suffering, so exposes the sufferer; or

(3) gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding fifty rupees; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the Court to pay the owner and driver

Burma Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 127-132.)
(Chapter VIII.—Control.—Sections 133-134.)

the amount of any loss and expense they may incur in carrying into effect any measures requisite for disinfection of the conveyance:

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

127. Every owner or driver of a public conveyance shall immediately provide for the disinfection of the conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder, and if he fails to do so he shall be liable to a penalty not exceeding fifty rupees; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Picketing animals and collecting carts.

128. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Keeping corpses or carrying corpses by prohibited routes or so as to cause annoyance.

129. Whoever, without the permission of the committee, keeps a corpse or causes it to be kept in or on any building or land when seventy-two hours after death have elapsed, or carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

130. Whoever, in any public place, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post or fence, or injures any tree, or extinguishes any light shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience to orders of committee under last chapter.

131. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Prosecution to be suspended in certain cases.

132. Any prosecution for an offence under section 80, or section 105, or under section 131, when the order which has been disobeyed is appealable, shall be suspended, when the Magistrate learns that an appeal has been instituted, pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

133. The Commissioner or the Deputy Commissioner may—

(a) enter on and inspect, or cause to be entered on and inspected, any immoveable property situate within the limits of his division or district respectively and occupied by any municipal committee or joint committee, or any work which is in progress within those limits under the direction of any such committee or joint committee;

(b) call for and inspect any book or document in the possession or under the control of any such committee or joint committee having authority within those limits;

(c) require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee or joint committee, as he may think fit to call for; and

(d) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee or joint committee:

Provided that—

(1) when the Deputy Commissioner is a member of a committee or joint committee, he shall not exercise, in respect of that committee or joint committee, the powers conferred upon him by this section; and

(2) in any of the municipalities of Rangoon, Maulmain, Akyab and Bassein, and any other municipalities to which the Local Government may extend this clause, the said powers shall be exercised by the Local Government and not by any authority mentioned in the foregoing part of this section.

Power to suspend action under Act.

134. *(1)* The Commissioner or the Deputy Commissioner may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal committee or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2) When a Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, and of any representations regarding it submitted to him by the municipal committee, to the Local Government, which may thereupon rescind the order

Burma Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 135-140.)

or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in case of emergency.

135. *(1)* In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal committee is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or as much thereof as is, from time to time, possible, from the balance in priority to any or all other charges against the same.

(3) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

Powers of Local Government in case of default of committee.

136. *(1)* If at any time it appears to the Local Government that a municipal committee has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Deputy Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Deputy Commissioner by the committee.

(3) If the expense is not so paid, the Deputy Commissioner with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance in priority to any or all other charges against the same.

Power of Local Government to supersede committee in case of incompetency, persistent default or excess or abuse of powers.

137. *(1)* If a municipal committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the commtitee to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a committee is so superseded, the following consequences shall ensue:—

(a) All members of the committee shall, as from the date of the order, vacate their offices as such members.

(b) All powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Local Government appoints in that behalf.

(c) All property vested in the committee shall, during the period of supersession, vest in the Local Government.

(3) On the expiration of the period of supersession specified in the order, the committee shall be reconstituted, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified from being members.

Disputes.

138. *(1)* If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a cantonment authority, the matter shall be referred—

(a) to the Deputy Commissioner, if the local authorities concerned are in the same district;

(b) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(c) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If in the case mentioned in clause (*a*) the Deputy Commissioner is a member of one of the committees concerned, his functions under this section shall be discharged by the Commissioner.

(4) "Local authority" in this section means a municipal committee or cantonment authority.

Annual reports and statements.

139. *(1)* A municipal committee shall, at the close of each year or of such other period as may, from time to time, be fixed by the Local Government in this behalf, submit to the Local Government a statement of its receipts and disbursements, in such form as the Local Government may prescribe, and a general report of its proceedings during that period:

Provided that separate accounts shall be submitted of—

(a) all receipts of the water-tax, lighting-tax and scavenging-tax, and of all expenditure on the purposes for which those taxes are levied, respectively; and

(b) all income under the heads mentioned in section 62, and all expenditure on educational purposes.

(2) Accounts submitted under this section shall be examined or audited in such manner as the Local Government prescribes.

Estimates of receipts and expenditure.

140. *(1)* A municipal committee shall submit, before such date in each year as may be directed by the Local Government, for the sanction of such authority as the Local Government may appoint in this behalf, an estimate of its probable receipts for the financial year next following, with proposals for its expenditure, and may, from time to time, submit in like manner further estimates or proposals amending the same.

(2) No expenditure shall be incurred by the committee unless it is provided for in a proposal sanctioned under this section.

Burma Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 141-143.)
(Chapter IX.—Supplemental.—Sections 144-149.)

(3) An abstract of the annual estimate and proposals submitted and sanctioned as required by this section shall be published in such manner as the Local Government directs.

Sanction to works.

141. *(1)* No new work, the estimated cost of which exceeds five hundred rupees, shall be begun by a municipal committee, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof have been approved by the committee at a meeting.

(2) If the estimated cost of any such new work has not been specifically provided for in proposals submitted and sanctioned in manner mentioned in section 140, or exceeds—

twenty thousand rupees in the case of the municipalities of Rangoon, Maulmain, Bassein and Akyab, or

one-tenth of the estimated annual income of the municipal fund in the case of any other municipality,

it shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to and approved by the Local Government, or by an officer empowered by the Local Government in this behalf.

Powers of Commissioner.

142. In all matters connected with the administration of this Act a Commissioner shall have and exercise the same authority and control over a Deputy Commissioner subordinate to him as he has and exercises over the Deputy Commissioner in the general and revenue administration.

Additional power of Local Government to frame forms and make rules.

143. The Local Government may frame forms for any proceeding of a municipal committee for which it considers that a form should be provided, and may, in addition to any other powers to make rules conferred by this Act, make rules consistent with this Act—

(a) as to the intermediate office or offices, if any, through which correspondence between municipal committees and the Local Government or officers of that Government and representations addressed to the Local Government under this Act shall pass;

(b) as to the preparation of estimates of receipts and expenditure of committees, and as to the conditions subject to which such estimates may be sanctioned;

(c) as to the returns, statements and reports to be submitted by committees; and

(d) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

CHAPTER IX.

SUPPLEMENTAL.

Criminal Procedure.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

144. *(1)* Every police-officer employed in a municipality shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Any such police-officer may arrest any person committing in his view any offence against this Act or the rules made thereunder—

(a) if the name and address of the person are unknown to him, or

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

Prosecutions.

145. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of or with the approval of the municipal committee.

Member not to be deemed interested in prosecution.

146. A Judge or Magistrate shall not be deemed to be a party to or personally interested in any such prosecution within the meaning of section 555 of the Code of Criminal Procedure merely because he is a member of the committee by the order or with the approval of which it has been instituted. X of 1882.

Saving of prosecutions under other laws.

147. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules under section 7, 48, 103 or 143.

148. *(1)* The authority empowered to make rules under section 7, 48, 103 or 143 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

Continuance of existing rules.

149. *(1)* The Local Government may by notification in the official Gazette, direct that any rules made under the British Burma Municipal Act, 1874, and in force in any local area being, or comprised in, a municipality VII of 1874.

Burma Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 150-157.)

constituted under this Act at the time the municipal committee for that municipality comes into existence under section 13, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made.

(2) The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

Recovery of Money.

Recovery of money.

150. All fees and all rents and other sums due on account of property for the time being vested in or managed by the municipal committee, and all arrears of taxes and other money due for water supplied or otherwise under this Act, may be recovered as if they were arrears of land-revenue.

Notices.

Authentication, service and validity of notices.

151. *(1)* Every notice issued by a committee under this Act or under any rule made thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

(2) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

152. When any notice is, under the provisions of this Act, to be given to, or served on, the owner or occupier of any property and he is unknown, it may be given or served—

(a) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication of public notices.

153. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration of Municipal Limits.

Notification of intention to alter limits of municipality.

154. The Local Government may, by notification published in the official Gazette, and in such other manner as the Local Government may determine, declare its intention—

(a) to exclude from a municipality any local area comprised therein and defined in the notification, or

(b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

Alteration of limits of municipality.

155. *(1)* Any inhabitant of a municipality or local area in respect of which a notification has been published in the official Gazette under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the official Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the official Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by a notification in the official Gazette, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

156. *(1)* When a local area is excluded from a municipality under section 155—

(a) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(b) the Local Government shall, after consulting the municipal committee, frame a scheme determining what portion of the balance of the municipal and school funds and other property vested in the municipal committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the publication of the scheme in the local official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Effect of including local area in municipality.

157. When a local area is included in a municipality under section 155, this Act, and, except as the Local Government may otherwise, by notification in the official Gazette, direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force

Burma Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 158-161.)

throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Powers to except Municipalities from Provisions of Act.

Power to except municipality from provisions of Act unsuited thereto.

158. *(1)* If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the official Gazette, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by like notification.

(2) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Miscellaneous.

Saving of Act XI of 1879.

159. Nothing in this Act shall affect the Local Authorities Loans Act, 1879. XI of 1879.

Powers of Governor General in Council and of Local Government exercisable from time to time.

160. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Decision of questions as to whether persons are "inhabitants."

161. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1884, and is hereby promulgated for general information:—

ACT No. XVIII OF 1884.

THE PANJÁB COURTS ACT, 1884.

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2. Repeal of Acts.
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THE SCHEDULE.—ACTS REPEALED.

An Act to mend the Law relating to Courts in the Panjáb.

WHEREAS it is expedient to amend the law relating to Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. *(1)* This Act may be called the Panjáb Courts Act, 1884.

(2) It extends to the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb; and

(3) it shall come into force on the first day of November, 1884.

(4) Any power conferred by this Act to make rules or to issue orders creating territorial divisions, establishing Courts, appointing and posting officers, or fixing the pecuniary or local limits of their jurisdiction or conferring powers may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal of Acts.

2. On and from that day the Acts mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Definitions.

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

(1) "Assistant Commissioner" includes Extra Assistant Commissioner:

(2) "Revenue Court" means the Court of a Financial Commissioner, of a Commissioner, of a Deputy Commissioner, of an Assistant Commissioner, of a Tahsíldár or of a Náib Tahsíldár exercising jurisdiction in suits of any of the classes mentioned in section 45:

(3) "small cause" means a suit of the nature cognizable in a Court of Small Causes constituted under Act XI of 1865, and any other suit not being a suit of any description specified in section 19 of the Presidency Small Cause Courts Act, 1882, which the Chief Court, with the sanction of the Local Government, may direct to be treated as a small cause for the purposes of appeal: XV of 1882.

(4) "land" means land assessed or liable to be assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village:

(5) "rent" means whatever is payable by an occupant of land on account of the use or occupation thereof:

(6) "tenant" means any occupant of land liable to pay rent therefor, but does not include an under-proprietor:

(7) "landlord" means any person entitled to receive rent paid by a tenant; and

(8) "value", used with reference to a suit, means the amount or value of the subject-matter of the suit.

CHAPTER II.

THE CHIEF COURT.

Constitution of Chief Court and appointment and tenure of Judges.

4. There shall continue to be a Chief Court consisting of three or more Judges, who shall be appointed by the Governor General in Council and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing.

Rank and precedence of Judges of Chief Court.

5. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges:

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

The Panjáb Courts Act, 1884.
(Chapter II.—The Chief Court.—Sections 6-14.)

Civil appellate jurisdiction.

6. The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Criminal jurisdiction.

7. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial.

Delegation of powers to members of Court.

8. *(1)* Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its Judges of any of its powers:

Provided that no decree, sentence, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by any Judge of the Chief Court sitting alone. XIV of 1882.

(2) When the Chief Court consists of more than three Judges, it may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court, and may by these rules prescribe the mode of determining which Judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) Subject to the provisions of sub-section (2), the Senior Judge may determine which Judge in each case shall sit alone, and which Judges of the Court shall constitute any bench.

Appeals from original jurisdiction of Chief Court.

9. Except as otherwise provided by any enactment for the time being in force, an appeal from any decree or order made by the Chief Court—

(a) in exercise of its original jurisdiction in cases withdrawn from other Courts under section 25 of the Code of Civil Procedure, or XIV of 1882.

(b) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section,—

shall lie in the cases and in manner following (that is to say):—

(1) if the decree or order is made by a single Judge, the appeal shall lie either to a bench consisting of two other Judges, or to a full bench, as the Court may, by general rule or special order, direct;

(2) if the decree or order is made by a bench of Judges not being a full bench, and the Judges differ in opinion, the appeal shall lie to a full bench.

Rule of decision when Judges differ.

10. Except as otherwise provided by any enactment for the time being in force,

(1) when there is a difference of opinion among the Judges composing any bench of the Chief Court, the decision shall be in accordance with the opinion of the majority of those Judges;

(2) If there is no such majority, then—

(a) if the bench is a full bench, or is exercising original civil jurisdiction, the decision shall be in accordance with the opinion of the Senior Judge;

(b) in other cases, the bench before which the question has arisen shall refer the question to a full bench, and shall dispose of the case in accordance with the decision of the full bench.

Power to refer question to full bench.

11. Any single Judge of the Chief Court and any bench of Judges of that Court, not being a full bench, may in any case refer for the decision of a full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the Judge or bench, and shall dispose of the case in accordance with the decision of the full bench on the question.

Ministerial officers.

12. *(1)* The Chief Court may appoint a Registrar and Deputy Registrar, and such other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

(2) The appointment of the Registrar shall be subject to the sanction of the Local Government.

(3) The officers appointed under this section shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.

(4) Any such officer may be suspended or dismissed from his office by order of the Chief Court:

Provided that neither the Registrar nor the Deputy Registrar shall be dismissed without the previous sanction of the Local Government.

Superintendence and control of Subordinate Courts.

13. The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Chief Court.

Power to make rules.

14. *(1)* The Chief Court may make rules consistent with this Act and any other enactment for the time being in force—

(a) providing for the translation of any papers filed in the Chief Court and copying or printing any such papers or translations, and requiring from the persons at whose instance or on whose behalf they are filed payment of the expenses thereby incurred;

(b) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjáb, and regulating the conduct of persons so practising;

(c) determining in what cases persons practising in those Courts shall be permitted to address the Court in English;

(d) prescribing forms for seals to be used by those Courts;

(e) regulating the procedure in cases where any person is entitled to inspect a record of any such Court or obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies;

(f) conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a non-judicial or quasi-judicial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

The Panjáb Courts Act, 1884.
(Chapter II.—The Chief Court.—Sections 15-16.)
(Chapter III.—The Subordinate Civil Courts.—Sections 17-21.)

(*g*) prescribing forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in those Courts or submitted to any authority;

(*h*) providing for the inspection of those Courts and the supervision of the working thereof; and

(*i*) regulating all such matters as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of those Courts and maintaining proper discipline among those officers.

(2) A rule made under clause (*a*), (*b*), (*c*), (*f*) (*g*), (*h*) or (*i*) shall not take effect until it has been sanctioned by the Local Government and has been published in the official Gazette.

(3) Whoever breaks any rule made under clause (*b*) shall be punished with a fine which may extend to fifty rupees.

Registers, books, accounts and statements to be kept and furnished by Chief Court.

15. *(1)* The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of those registers, books and accounts, and such statements of the work done in the Court, as may be required by the said Government.

(2) The Chief Court shall also comply with such requisitions as may be made by the Governor General in Council, or by the Local Government, for certified copies of, or extracts from, the records of the Chief Court and the Courts subordinate thereto.

Procedure of Chief Court in exercise of civil jurisdiction.

16. *(1)* The Chief Court, when sitting as a Court of civil judicature, shall take evidence and record judgments and orders in such manner as it, by rule, directs, and may frame forms for any proceeding in the Court in the exercise of its civil jurisdiction.

XIV of 1882. *(2)* The following provisions of the Code of Civil Procedure shall not apply to the Chief Court in the exercise of its original civil jurisdiction, namely, sections 119, 182 to 185 (both inclusive), 187, 189 to 191 (both inclusive), 192 (so far as it relates to the manner of taking evidence), 198, 200 to 204 (both inclusive), and so much of section 409 as relates to the making of a memorandum.

XIV of 1882. *(3)* Section 579 of the said Code shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

Classes of Courts.

Classes of Courts.

17. Besides the Chief Court, the Courts of Small Causes established under Act XI of 1865 and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts (namely):—

(a) the Divisional Court;

(b) the Court of the District Judge;

(c) the Court of the Subordinate Judge;

(d) the Court of the Munsif.

Territorial Divisions.

Civil divisions and districts.

18. *(1)* For the purposes of this Act the Local Government shall divide the territories under its administration into civil divisions, and each civil division into civil districts.

(2) The Local Government may alter the limits or the number of these divisions and districts.

Divisional and District Courts.

Establishment of Divisional Courts.

19. *(1)* The Local Government shall appoint as many persons as it thinks necessary to be Divisional Judges, and shall for each civil division establish a Divisional Court consisting of one or more such Judges.

(2) The Local Government may, where a Divisional Court consists of more than one Judge, by general rule or special order determine which of them shall be deemed to be the senior.

Establishment of District Courts.

20. The Local Government shall appoint as many persons as it thinks necessary to be District Judges, and shall post one such person to each district as District Judge of that district:

Provided that the same person may, if the Local Government thinks fit, be appointed to be District Judge of two or more districts.

Distribution of business in Divisional Court.

21. The Chief Court may, subject to the provisions of this Act and any other enactment for the time being in force, make rules to provide for the exercise of any of the powers of a Divisional Court consisting of more than one Judge by one or more Judges of the Court:

Provided that no decree, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or XIV of 1882. modified by a single Judge of a Divisional Court consisting of more than one Judge.

Original jurisdiction of Divisional and District Courts in suits.

22. Except as otherwise provided by any enactment for the time being in force, the Divisional Court and the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value.

District Court to be principal Civil Court of original jurisdiction.

23. Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district:

Provided that—

(*a*) for the purposes of the Indian Divorce Act, IV of 1869. the Divisional Court shall be deemed to be the District Court for all districts comprised in the division; and

(*b*) the Local Government may direct that the Divisional Court shall for any other purpose be deemed to be the District Court or principal Civil Court of original jurisdiction for any district comprised in the division.

Subordinate Judges and Munsifs.

Appointment of Subordinate Judges.

24. The Local Government may appoint as many persons as it thinks necessary to be Subordinate Judges.

The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 25-34.)

Appointment of Munsifs.

25. *(1)* The Local Government may fix the number of Munsifs to be appointed, and, when there is any vacancy in that number, the Chief Court may, subject to the rules (if any) made under subsection (2), appoint such person to the same as it thinks fit.

(2) The Chief Court may, with the previous sanction of the Local Government, make rules as to the qualifications of persons to be appointed Munsifs.

Pecuniary limits of jurisdiction of Subordinate Judges and Munsifs.

26. *(1)* The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge or Munsif shall in the case of a Subordinate Judge be determined by the Local Government, and in the case of a Munsif by the Chief Court, either by including him in a class or grade, or otherwise as it thinks fit.

(2) The jurisdiction in the case of a Subordinate Judge may be without limit, but in the case of a Munsif shall not extend to suits the value of which exceeds one thousand rupees.

Local limits of their jurisdiction.

27. *(1)* The local limits of the jurisdiction of a Subordinate Judge shall be such as the Local Government may define.

(2) The local limits of the jurisdiction of a Munsif shall be such as the Chief Court may define.

(3) When the Local Government posts a Subordinate Judge or the Chief Court posts a Munsif to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

Special Judges and Benches.

28. *(1)* The Local Government may confer on any person all or any of the powers conferable under this Act on a Subordinate Judge or Munsif with respect to particular classes of cases, or with respect to cases generally in any local area, and may withdraw, or suspend the exercise of, any powers so conferred.

(2) The Local Government may direct any uneven number of persons invested with powers of the same description and exercisable within the same local area under this section to sit together as a bench; and those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.

(3) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

(4) Persons on whom powers are conferred under this section shall be called Special Judges, and such persons and the benches constituted under this section shall be deemed for the purposes of this Act to be Subordinate Judges or Munsifs, as the Local Government may direct.

Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Court.

29. *(1)* The Chief Court may, by order, authorize any District Court to transfer to a Subordinate Judge or Munsif under its control any of the following proceedings or any class of such proceedings specified in the order, and then pending or thereafter instituted before the District Court (that is to say):—

(a) applications for certificates under Act XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*);

(b) proceedings under Act XL of 1858 (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) or Act IX of 1861 (*to amend the law relating to Minors*).

(2) The District Court may withdraw any proceedings so transferred, and may either itself dispose of them, or, with the previous sanction of the Chief Court, transfer them to any other Subordinate Judge or Munsif under its control.

(3) All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) subject to the rules applicable to like cases when disposed of by the District Court.

Small Cause Jurisdiction.

Power to confer Small Cause Court jurisdiction.

30. The Local Government may confer, within such local limits as it thinks fit, upon any District Judge, Subordinate Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under Act XI of 1865 for the trial of suits cognizable by such Courts up to such value, not exceeding five hundred rupees, as it thinks fit, and may withdraw any jurisdiction so conferred.

Suspension and Removal.

Suspension and removal.

31. *(1)* Any Divisional Judge, District Judge or Subordinate Judge may be suspended or removed from office by the Local Government.

(2) Any Munsif may, subject to the control of the Local Government, be suspended or removed from office by the Chief Court.

Valuation of Suits.

Valuation of suits.

32. When the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that suits of that class shall, for all or any of the purposes of this Act, be treated as if their subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

Administrative Control.

Controlling powers of Divisional and District Courts.

33. *(1)* Subject to the general superintendence and control of the Chief Court, every Divisional Court shall control all other Civil Courts in the division.

(2) Subject as aforesaid and to the control of the Divisional Court, every District Court shall control all other Civil Courts in the district.

Power of Divisional Court to transfer business.

34. *(1)* Every Divisional Court may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court. XIV of 1882.

(2) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 35-38.)
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Sections 39-43.)

35. Notwithstanding anything contained in the Code of Civil Procedure, every Divisional Court and District Court may, by written order, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit:

XIV of 1882. Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

36. *(1)* The ministerial officers of the Divisional and District Courts and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively.

Ministerial officers of Subordinate Courts.

(2) The ministerial officers of all Courts controlled by a District Court, other than Courts of Small Causes, shall be appointed, and may be suspended and dismissed, by the District Court.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf, and, in dealing with any matter under this section, a District Court or a Judge of a Court of Small Causes shall act subject to the control of the Divisional Court.

37. *(1)* A Divisional or District Court or any Court under the control of a District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

Power to fine ministerial officers.

(2) The District Court, subject to the general control of the Divisional Court, may, on appeal or otherwise, reverse or modify an order made under sub-section (1) by any Court under its control other than a Court of Small Causes, and may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control other than a Court of Small Causes.

38. A District Court may, with the previous sanction of the Local Government, delegate to any Subordinate Judge in the district the powers conferred on a District Court by sections 33, 35 and 36 of this Act, and section 25 of the Code of Civil Procedure, to be exercised by the Subordinate Judge in any specified portion of the district subject to the control of the District Court.

Delegation of District Judge's powers.

XIV of 1882.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

39. *(1)* Appeals from the decrees of a Munsif in small causes shall, when such appeals are allowed by law, and the value of the suit does not exceed five hundred rupees, lie to the District Judge.

First appeals to whom to lie.

(2) Appeals from the decrees of a District or Subordinate Judge in original suits, when the value of the suit exceeds five thousand rupees, and appeals from the decrees of the Divisional Court in original suits, shall, when such appeals are allowed by law, lie to the Chief Court.

(3) Appeals from decrees in original suits, not hereinbefore or by any other enactment for the time being in force provided for, shall, when such appeals are allowed by law, lie to the Divisional Court.

40. A further appeal shall lie to the Chief Court in the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely:—

Further appeal from Divisional Court.

(*a*) if the value of the suit exceeds five hundred rupees; or

the decree involves directly some claim to, or question respecting, property of like value;

(*b*) if the Divisional Court consists of a single Judge and the decree varies or reverses the decree of the Court below;

(*c*) if in a Divisional Court consisting of more than one Judge the appeal is heard by two or more Judges, and there is not a majority of those Judges concurring in the decree passed by the Divisional Court;

(*d*) if on the application of any party a Judge of the Divisional Court certifies that there is a question of law or custom or of general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal:

Provided that—

(1) an application under clause (*d*) shall not be received after the expiration of thirty days from the date on which the decree of the Divisional Court is passed, unless the applicant satisfies the Judge that he had sufficient cause for not presenting it within that period; and

(2) no further appeal shall lie in any small cause when the value of the suit does not exceed five hundred rupees.

41. Subject to the provisions of section 40 of this Act and sections 595 and 632 of the Code of Civil Procedure, a decree of the District or Divisional Court passed in appeal shall be final.

Appellate decision of District or Divisional Court otherwise final.

XIV of 1882.

42. *(1)* The Local Government may confer on a Subordinate Judge the powers of a District Judge for the purpose of hearing appeals from the Courts of Munsifs in any local area, and withdraw those powers.

Power to confer appellate jurisdiction on Subordinate Judge.

(2) A Subordinate Judge shall for purposes connected with the exercise of powers so conferred be deemed to be a District Judge.

43. *(1)* The period of limitation for an appeal under section 39 or section 40 shall run from the date of the decree appealed against, and shall be as follows, that is to say:—

Period of limitation.

I of 1877.

(*a*) when the appeal lies to the District or Divisional Court—sixty days;

(*b*) when the appeal lies to the Chief Court—ninety days.

(2) In computing these periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

XV of 1877.

The Panjáb Courts Act, 1884.
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Section 44.)
(Chapter V.—Revenue Courts.—Sections 45-47.)

Provided that, in computing the period of ninety days for an appeal under section 40, clause (*d*), the time during which the application under that clause has been pending shall be excluded.

44. For the purposes of section 617 of the Code of Civil Procedure, every appeal to a Divisional Court under this chapter shall, except when the value of the suit exceeds five hundred rupees, be deemed to be an appeal in which the decree is final.

XIV of 1882. References to Chief Court under section 617 of Code of Civil Procedure.

CHAPTER V.

REVENUE COURTS.

45. Suits of any of the classes comprised in the following groups instituted on and after the date on which this Act comes into force, shall be instituted, heard and determined in Revenue Courts and not otherwise:—

Certain classes of suits cognizable by Revenue Courts only.

First Group.

(*a*) Suits by tenants to establish a claim to a right of occupancy.

(*b*) Suits by landlords under section 6 of the Panjáb Tenancy Act, 1868, to prove that a tenant presumed to have a right of occupancy under that section has no such right.

XXVIII of 1868.

(*c*) Suits for enhancement or abatement of rent under Chapter III of the same Act.

(*d*) Suits for ejectment of a tenant.

(*e*) Suits under section 25 of the said Act to contest liability to be ejected when notice of ejectment has been served.

Second Group.

(*f*) Suits for arrears of rent on account of land, or of any payments due on account of rights of pasturage, forest-rights, fisheries or the like.

(*g*) Suits for the recovery of any over-payment of rent.

(*h*) Suits by lambardárs for arrears of land-revenue, payable through them by the co-sharers, or for village-expenses or other dues for which the co-sharers may be responsible to the lambardár.

(*i*) Suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses, or for a settlement of accounts.

(*j*) Suits by assignees of land-revenue for arrears of revenue due to them as such.

(*k*) Suits by superior proprietors for arrears of revenue due to them as such.

(*l*) Suits under section 9 of the Specific Relief Act to recover possession of land.

(*m*) Suits to determine disputes regarding boundaries of land which have been fixed by a Court or Revenue-officer:

Provided that the Local Government may, after consulting the Chief Court, direct that suits of any of these classes arising in any local area shall be heard and determined by the Civil Courts and not by the Revenue Courts, and cancel any such direction.

46. *(1)* A Deputy Commissioner shall have power to try suits of any of the classes mentioned in section 45.

Original jurisdiction of Deputy Commissioner and his subordinates in suits.

(2) An Assistant Commissioner or Tahsíldár shall have power to try suits of such classes mentioned in the second group of the same section, and within such limits as regards value, as may be determined by the Local Government either by including him in a class or grade, or otherwise as it thinks fit.

(3) The Local Government may invest a Náib Tahsíldár with power to try suits of the classes mentioned in section 45, clauses (*f*), (*g*), (*h*), (*i*) and (*k*), when the value does not exceed one hundred rupees.

(4) The powers conferred by this section shall be exercised within such local limits as the Local Government may direct, and in the absence of any such direction throughout the district or tahsíl to which the officer is posted.

47. An appeal shall lie from a decree passed in an original suit of any of the classes mentioned in section 46 as follows, namely:—

Appeals from original decrees.

(*a*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner in a suit of the first group and the value of the suit does not exceed five thousand rupees, or

in a suit of the second group and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner;

(*c*) when the decree is passed by an Assistant Commissioner, Tahsíldár or Náib Tahsíldár—to the Deputy Commissioner:

Provided that—

(1) no appeal shall lie from a decree passed in a suit of the class mentioned in section 45, clause (*l*);

(2) the Local Government may direct that no appeal shall lie from the decree of any Assistant Commissioner or class or grade of Assistant Commissioners designated by it in this behalf in any suit of the classes specified in clauses (*f*) to (*k*), both inclusive, of section 45, unless—

(*a*) the value of the suit exceeds such sum, not being more than one hundred rupees, as the Local Government may fix in this behalf, or

(*b*) the decree has decided a question of title to land or to some interest in land as between parties having conflicting claims thereto or as to the amount of some rent or revenue or other payment to which there is a recurring claim or as to the principle on which revenue, profits or village-expenses or other dues should be apportioned.

(3) The Local Government may direct that appeals shall lie from the decrees of an Assistant Commissioner or any class of Assistant Commissioners as if those decrees were passed by a Deputy Commissioner.

The Panjáb Courts Act, 1884.
(Chapter V.—Revenue Courts.—Sections 48-56.)

48. A further appeal shall lie from a decree passed on appeal in a suit of any of the classes mentioned in section 45 on any ground which would be a good ground of appeal if the decree had been passed in an original suit as follows, namely:—

Further appeals from appellate decrees.

(*a*) when the decree is passed by a Commissioner in a suit of the first group and reverses or modifies the original decree—to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*c*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner.

49. Except as provided by the foregoing sections, no appeal shall lie from a decree passed under this chapter.

No appeals except under the foregoing sections.

50. *(1)* The period of limitation for an appeal under section 47 or 48 shall run from the date of the decree appealed against, and shall be as follows, that is to say:—

Limitation of appeals under this chapter.

(*a*) when the appeal lies to the Court of the Deputy Commissioner or of the Commissioner—sixty days;

(*b*) when the appeal lies to the Financial Commissioner—ninety days.

(2) In computing those periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

XV of 1877.

51. *(1)* The Local Government may confer on any person all or any of the powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter, and may withdraw the powers so conferred.

Power to confer powers of Financial Commissioner, Commissioner and Deputy Commissioner.

(2) Any person on whom powers are conferred under this section shall exercise those powers within such local limits and in such classes of cases as the Local Government may direct, and, except as otherwise directed by the Local Government, shall for all purposes connected with the exercise of the same be deemed a Financial Commissioner, Commissioner or Deputy Commissioner, as the case may be.

52. *(1)* The Local Government may, if it thinks fit, appoint a second Financial Commissioner, who shall hold his office during the pleasure of the Local Government.

Appointment of second Financial Commissioner.

(2) When a second Financial Commissioner is appointed, the Local Government may make rules as to the distribution of business between the two Financial Commissioners, and, until such rules are made and subject to such rules, the Financial Commissioner who is senior in respect of his appointment as such may transfer such business as he thinks fit to the other Financial Commissioner for disposal, and may withdraw and himself dispose of any business so transferred and not disposed of.

53. *(1)* The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this chapter for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts.

Procedure of Revenue Courts how to be regulated.

XIV of 1882.

(2) Until such rules are made, and subject to such rules when made and to the provisions of this Act,—

(*a*) the provisions of the Code of Civil Procedure shall, so far as applicable, apply to all proceedings whether before or after decree in cases under this chapter; and XIV of 1882.

(*b*) the Court of the Financial Commissioner shall, in respect of such cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under its control, all the powers of a High Court under the said Code. XIV of 1882.

54. *(1)* If, in any suit pending before a Revenue Court exercising original appellate or revisional jurisdiction under this chapter, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Revenue Court (if any) to the control of which it is immediately subject, by order in writing, require any party to the suit to institute, within such time as it may fix in this behalf, a suit in the Civil Court with a view to obtaining a decision on the question, and, if he fails to comply with the requisition, may, if it thinks fit, decide the question against him.

Power to refer party to Civil Court.

(2) If he institutes such a suit, the Revenue Court shall dispose of the suit pending before it in accordance with the final decision of the Civil Court of first instance or appeal (as the case may be).

55. *(1)* When a question of the description mentioned in section 617 of the Code of Civil Procedure arises before the Financial Commissioner in the exercise of any of his powers under this chapter, he may refer the question for the decision of the Chief Court in manner prescribed by that section:

Power for Financial Commissioner to refer question to Chief Court.

XIV of 1882.

Provided that he shall not be bound to express any opinion thereon.

(2) On a reference being made under sub-section (1), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the provisions of sections 618, 619 and 620 of the said Code, and the Chief Court may return for amendment the statement received from the Financial Commissioner if it is not sufficient to enable the Court to determine the question referred.

XIV of 1882.

Administrative Control.

56. *(1)* The general superintendence and control over all other Revenue Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Financial Commissioner.

Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.

The Panjáb Courts Act, 1884.
(Chapter VI.—Settlement Courts.—Sections 62-63.)
(Chapter VII.—Supplemental Provisions.—Sections 64-66.)

(2) Subject to the general superintendence and control of the Financial Commissioner, every Commissioner shall control all other Revenue Courts in his division.

(3) Subject as aforesaid and to the control of the Commissioner, every Deputy Commissioner shall control all other Revenue Courts in his district.

57. Every Commissioner and Deputy Commissioner may exercise, as regards the Courts under his control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court.

Power to transfer business.

XIV of 1882.

58. Every Commissioner and Deputy Commissioner may, by written order, direct that any business cognizable under this chapter by his Court and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

59. *(1)* The ministerial officers of the Courts of the Financial Commissioner, Commissioner and Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Judges of those Courts, respectively.

Ministerial officers of Courts.

(2) The ministerial officers of all Courts controlled by a Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Deputy Commissioner.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf; and in dealing with any matter under this section a Commissioner shall act subject to the control of the Financial Commissoner, and a Deputy Commissioner subject to the control of the Commissioner.

60. *(1)* A Commissioner or Deputy Commissioner and the presiding officer of every Court under the control of a Deputy Commissioner may fine, in an amount not exceeding one month's salary, any ministerial officer of his Court for misconduct or neglect in the performance of his duties.

Power to fine ministerial officers.

(2) The Deputy Commissioner, subject to the general control of the Commissioner, may, on appeal or otherwise, reverse or modify any order made under sub-section (1) by the presiding officer of any Court under his control, and may of his own motion fine up to the amount of one month's salary any ministerial officer of any such Court.

61. A Deputy Commissioner may, with the previous sanction of the Local Government, delegate to any Assistant Commissioner in the district the powers conferred on Deputy Commissioners by sections 56, 57, 58 and 59 to be exercised by the Assistant Commissioner in any specified portion of the district subject to the control of the Deputy Commissioner.

Delegation of Deputy Commissioner's powers.

CHAPTER VI.

SETTLEMENT COURTS.

62. *(1)* The Local Government may, by notification in the official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling the settlement with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in the local area.

Power to invest Settlement-officers with powers of Civil or Revenue Courts in certain cases.

(2) The publication of a notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

(3) The Local Government may cancel any such notification.

(4) While the notification continues in force, the powers specified in it shall be exercised by the officers so invested, and not otherwise:

Provided as follows:—

(*a*) the Local Government may, by order published in the official Gazette, direct that any jurisdiction with which any officer has been invested by the notification shall be exercised solely by the Courts by which the jurisdiction would have been exercised if the notification had not been published; and

(*b*) any cases pending before any officer under the notification when it is cancelled may, notwithstanding the cancellation, be disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that those cases shall be transferred for disposal to the Courts by which they would have been disposed of if the notification had not been published.

63. For the purposes of section 62 the Local Government may, notwithstanding anything in this Act, from time to time direct that any of the Courts mentioned in this Act (except the Chief Court and the Court of the Financial Commissioner) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those specified in this Act.

Power to alter subordination of Courts for purposes of section 62.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

64. Except as otherwise provided by this Act, the Local Government may, when it is empowered by this Act to make any appointment or confer any powers, appoint, or confer the powers on any person specially by name or by virtue of his office.

Mode of appointment and conferring powers.

65. All powers conferred by this Act may be exercised, from time to time, as occasion requires.

Powers exercisable from time to time.

66. *(1)* The Local Government may fix the place or places at which any Court under this Act is to be held.

Place of sitting of Courts.

The Panjáb Courts Act, 1884.
(Chapter VII.—Supplemental Provisions.—Sections 67-75. The Schedule.)

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Act may be held at any place within the local limits of its jurisdiction.

Vacations.

67. *(1)* Subject to the approval of the Local Government, the Chief Court shall prepare a list of days to be observed in each year as holidays in the Chief Court and the Civil Courts subordinate thereto, and the Financial Commissioner shall prepare a like list for his Court and the Courts subordinate thereto.

(2) Every such list shall be published in the official Gazette.

Pending proceedings.

68. *(1)* All cases or proceedings pending in the Chief Court on the day when this Act comes into force shall be disposed of as if this Act had not been passed.

(2) All cases or proceedings pending in any Civil Court subordinate to the Chief Court on that day shall be disposed of as if this Act had not been passed:

Provided that the Chief Court may direct that any such cases or proceedings shall be transferred for disposal to any Civil Court established under this Act which would have had jurisdiction if it had been in existence when the cases or proceedings were instituted.

(3) In the case of an appeal pending on the said day, the following shall, for the purposes of sub-section (2), be deemed to be the Court which would have had jurisdiction as aforesaid, namely:—

(*a*) when the value of the suit exceeds five thousand rupees,—the Chief Court;

(*b*) when the appeal is one in a small cause, and is pending before the Deputy Commissioner or an officer invested with the appellate powers of a Deputy Commissioner and the value of the suit does not exceed five hundred rupees,—the District Court;

(*c*) in other cases,—the Divisional Court.

Appeals after Act comes into force against decrees, &c., passed before.

69. Appeals from decrees, orders and decisions passed by Civil Courts and not appealed against before the date on which this Act comes into force shall lie and be disposed of as if this Act had not been passed and not otherwise:

Provided that the Courts to which such appeals shall lie shall be as follows:—

(*a*) when the appeal would before the said date have lain to the Chief Court, or the value of the suit exceeds five thousand rupees,—the Chief Court;

(*b*) in small causes when the value of the suit does not exceed five hundred rupees, and the appeal would before the said date have lain to the Deputy Commissioner, or an officer exercising the appellate powers of a Deputy Commissioner,—the District Court;

(*c*) in other cases,—the Divisional Court.

XIV of 1882.

Modification of section 622 of Civil Procedure Code.

70. Section 622 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read as if the words "illegally or" were omitted, and for the purposes of that section no appeal shall be deemed to lie from the appellate decree of a Divisional Court to the Chief Court when the case does not fall under clause (*a*), clause (*b*) or clause (*c*) of section 40, and an application under clause (*d*) of that section has been refused.

Amendment of the first schedule annexed to the Court-fees Act, 1870.

VII of 1870.

71. In the first schedule annexed to the Court-fees Act, 1870, after No. 12, the following shall be inserted:—

NUMBER.		PROPER FEE.
13. Application to the Chief Court or the Court of the Financial Commissioner of the Panjáb for the exercise of its revisional jurisdiction under section 622 of the Code of Civil Procedure.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a memorandum of appeal.

Refund of fee paid on application for revision.

XIV of 1882.

72. If the Court, on an application under section 622 of the Civil Procedure Code, on which a fee has been paid under the last preceding section, sets aside or modifies the decree or order of a Subordinate Court, or remands the case for a fresh decision, it may grant to the applicant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the application, or any smaller amount which, with regard to the circumstances of the case, it may think proper to order to be refunded.

Saving of certain appointments, rules and forms, notifications, powers and orders.

73. All appointments made under sections 5 and 22 of Act XVII of 1877, directions given under section 23, rules and forms made and prescribed under sections 19, 26 and 27, and notifications published, powers conferred and orders issued under section 49, of the same Act, shall, so far as may be, be deemed to have been respectively made, given, prescribed, published, conferred and issued under this Act.

Amendment of Act X of 1870, section 3.

X of 1870.

74. In the Land Acquisition Act, 1870, section 3, before the words "British Burma," in both places where they occur, the words "the Panjáb" shall be inserted.

Amendment of Act XXVIII of 1868, section 42.

XXVIII of 1868.

75. In the Panjáb Tenancy Act, 1868, section 42, for the words "and thirty-one" the words "thirty-one and forty" shall be substituted.

THE SCHEDULE.

ACTS REPEALED.

(See section 2.)

Number and year.	Title of Act.	Extent of repeal.
Act IV of 1869	The Indian Divorce Act.	So much of section 3 as defines "District Judge" in the Panjáb to mean the "Commissioner of a Division."
Act XIV of 1875.	The Panjáb Judicial Administration Act, 1875.	So far as it relates to civil or criminal judicial powers.
Act XVII of 1877.	The Panjáb Courts' Act, 1877.	The whole, except section eighteen.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 11, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th September, 1884, and is hereby promulgated for general information:—

ACT No. XV OF 1884.

An Act for the validation of certain licenses to solemnize Marriages granted to Ministers of Religion under Act XXV of 1864.

WHEREAS by section 4 of Act XXV of 1864 *(to provide further for the solemnization of Marriages in India of persons professing the Christian Religion)* it was enacted that, from and after the first day of July, 1864, certain Governments therein named should have authority to grant licenses to ministers of religion to solemnize marriages within the territories subject to such Governments respectively;

And whereas, in exercise of the authority so conferred, the Governments therein named granted licenses to certain ministers of religion to solemnize marriages;

And whereas Act XXV of 1864 was repealed by Act V of 1865 *(to provide for the solemnization of Marriages in India of persons professing the Christian Religion)*;

And whereas by section 9 of the latter Act it was enacted that, from and after the commencement of that Act, all marriages which should be solemnized in India otherwise than in accordance with the provisions of the fifth and sixth sections of that Act should be null and void;

And whereas by section 6 of the same Act it was enacted that marriages might be solemnized in India by (among other persons) any minister of religion who, under the provisions of that Act, had obtained a license to solemnize marriages;

And whereas Act V of 1865 was repealed by the Indian Christian Marriage Act, 1872; XV of 1872.

And whereas by section 4 of the latter Act it is enacted that every marriage between persons, one or both of whom is a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and that any such marriage solemnized otherwise than in accordance with such provisions shall be null and void;

And whereas by the next following section of the same Act it is enacted that marriages may be solemnized in India by (among other persons) any minister of religion licensed under the same Act to solemnize marriages;

And whereas neither in Act V of 1865 nor in the Indian Christian Marriage Act, 1872, was there or is there any provision either saving licenses granted under Act XXV of 1864 or permitting a marriage to be solemnized by a minister of religion who had obtained a license to solemnize marriages under Act XXV of 1864 only; XV of 1872.

And whereas certain marriages have been solemnized both while Act V of 1865 was in force, and since the passing of the Indian Christian Marriage Act, 1872, by ministers of religion who had obtained licenses to solemnize marriages under Act XXV of 1864, but had never obtained licenses to solemnize marriages under Act V of 1865 or the Indian Christian Marriage Act, 1872, as the case may be, and doubts have therefore arisen as to the validity of such marriages; XV of 1872.

And whereas it is expedient to remove such doubts and to declare the continued validity of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864;

It is hereby enacted as follows:—

Validation of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864.

1. A license to solemnize marriages granted to a minister of religion under Act XXV of 1864 shall be deemed, if in force on the date on which Act V of 1865 came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the date on which the Indian Christian Marriage Act, 1872, came into force, to have been since that Act came into force, and to be, a license granted under that Act. XV of 1872.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1884, and is hereby promulgated for general information :—

ACT NO. XVI OF 1884.

An Act to provide more effectually for the suppression of certain forms of Gaming in British Burma.

WHEREAS it is expedient to provide more effectually for the suppression of certain forms of gaming in British Burma; It is hereby enacted as follows :—.

Short title, extent and commencement.

1. *(1)* This Act may be called the Burma Gaming Act, 1884.

(2) It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force at once.

Application of Act III of 1867 to game of *ti* and like games.

2. *(1)* Taking part in the game of "*ti*," or in any other game or pretended game of a like nature, shall be deemed gaming and playing within the meaning of Act III of 1867.

(2) Every house, walled enclosure, room or place, whether public or private, where any such game or pretended game is carried on, shall, for the purposes of that Act, be deemed a common gaming-house, and all expressions referring to the use of any such house, enclosure, room or place as a common gaming-house shall include the use thereof for any such game or pretended game on a single occasion.

(3) All boxes, receptacles, lists, papers, tickets and forms used for the purpose of any such game or pretended game shall be deemed instruments of gaming within the meaning of the said Act.

Penalty on conducting game of *ti* and like games.

3. Whoever conducts or assists in conducting the game of "*ti*," or any other game or pretended game of a like nature, as manager, stakeholder or *daing*, or who is according to the rules of the game or pretended game entitled to receive the surplus proceeds, or any part of the surplus proceeds, of the stakes, after deducting the amount payable to the successful player or players, or who promotes the game or pretended game by soliciting or collecting stakes or otherwise, shall be punished with imprisonment for a term which may for a first offence extend to six months, and for a subsequent offence to two years, or with fine, or with both.

Power to extend local application of Act III of 1867 within British Burma.

4. *(1)* The Chief Commissioner may, from time to time, by notification published in the official Gazette, extend to the whole or any part of the territories for the time being under his administration any such of the provisions of Act III of 1867 as do not for the time being extend thereto.

(2) From the date of any such extension so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with or repugnant to any provision so extended shall cease to have effect in those territories.

Power to invest 2nd class Magistrate with powers under Act III of 1867, section 5.

5. The Local Government may authorize any Magistrate of the second class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the District.

Amendment of Act III of 1867, section 13.

6. In section 13 of Act III of 1867—

(*a*) for the words "public street, place or thoroughfare," where they first occur, the words "street or thoroughfare or place to which the public have access" shall be substituted; and

(*b*) in the last clause, for the words "such public place" the words "such place" shall be substituted.

Power to arrest without warrant.

7. A police-officer may arrest without warrant any person soliciting or collecting stakes for the game of *ti*, or any other game or pretended game of a like nature, in any street or thoroughfare or place to which the public have access.

Power to demand security.

8. Whenever a District Magistrate, Sub-divisional Magistrate or, when he is specially empowered in this behalf by the Local Government, a Magistrate of the first class receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by carrying on, or assisting in carrying on, the game of *ti*, or any other game or pretended game of a like nature, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code of Criminal Procedure; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise. X of 1882.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1884, and is hereby promulgated for General information :—

ACT No. XVII OF 1884.

THE BURMA MUNICIPAL ACT, 1884.

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An Act to amend the law relating to Municipalities in British Burma.

WHEREAS it is expedient to amend the law relating to Municipalities in British Burma; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. *(1)* This Act may be called the Burma Municipal Act, 1884.

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

(3) It shall come into force on such date as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

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

"municipality" means a local area declared under Chapter II to be a municipality;

"inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any local area which is declared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act; and

"street" means any street, road, thoroughfare, passage or place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street.

Burma Municipal Act, 1884.
(Chapter II.—Constitution of Municipalities.—Sections 3-5.)
(Chapter III.—Organization of Municipal Committees.—Sections 6-9.)

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

Proposal to create municipality.

3. *(1)* The Local Government may, by notification published in the official Gazette and in such other manner as the Local Government may determine, propose to declare any town, or any group of towns in the immediate neighbourhood of one another, a municipality under this Act.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

Creation of municipality.

4. *(1)* Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired and the Local Government has considered the objections (if any) which have been submittted under sub-section (*1*), the Local Government may, by a notification in the official Gazette, declare the local area to be a municipality under this Act.

Application of Act to existing municipalities.

5. *(1)* The Local Government may, by notification in the official Gazette, declare any local area which is a municipality established

VII of 1874. under the British Burma Municipal Act, 1874, to be a municipality under this Act, and shall, within three months from the date on which this Act comes into force, so declare every such local area, unless, before the expiration of that period,—

(*a*) that local area is comprised in some local area declared to be a municipality under section 4; or

(*b*) the Local Government has declared, by a notification in the official Gazette, that the provisions of this Act are unsuited to that local area.

(2) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members and the president and vice-president of the committee for that local area appointed *ex officio*, by nomination and by election under the said British Burma Municipal

VII of 1874 Act, 1874, and then in office, shall, on and from a day fixed by the notification, be deemed respectively to have been appointed by virtue of an office and by name and elected under this Act as members, president and vice-president of a municipal committee for the local area, and shall hold office as such members, president and vice-president for such term as may be fixed by the notification.

CHAPTER III.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality, and consisting of—

(*a*) so many inhabitants of the municipality as may be determined by the Local Government elected in manner next hereinafter prescribed to represent wards of the municipality or particular classes of the inhabitants; and

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Local Government may appoint by name or by virtue of an office in this behalf:

Provided that—

(1) when the circumstances of the municipality are, in the opinion of the Local Government, such as to require it, the Local Government may appoint a larger proportion of, or all, the members of the committee; and

(2) when any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Power to Local Government to make rules regarding election.

7. *(1)* The Local Government shall, for every municipality in which a system of election is introduced, make rules regulating the following matters, namely:—

(*a*) the division of the municipality into wards, or of the inhabitants into classes, or both;

(*b*) the number of representatives proper for each ward or class;

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2) The Local Government may, after the municipal committee has come into existence as herein, after provided, amend, after consulting the committee, the rules made under this section; but any amendment made under this sub-section shall not take effect until six months after it has been published in the official Gazette.

(3) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

Term of office of members.

8. *(1)* A member of a municipal committee, when appointed by virtue of an office, shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(2) The term of office of all other elected and appointed members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation of member of committee.

9. A member of a municipal committee may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 10-18.)

Removal of member.

10. *(1)* The Local Government may remove any member of a municipal committee who ceases to be an inhabitant of the municipality, or refuses to act, or becomes in the opinion of the Local Government incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the committee.

(2) A person removed under this section on any ground except that first mentioned shall be disqualified for election until the Local Government otherwise directs.

Filling of casual vacancies.

11. *(1)* When the place of an elected member of a municipal committee becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected in manner prescribed under section 7 to fill the place.

(2) When the place of a member of a municipal committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be again elected or appointed.

Incorporation of municipal committee.

12. Every municipal committee shall be a body corporate by the name of the municipal committee of its municipality, shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name:

Provided that a committee shall not transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government.

Time for committees coming into existence.

13. A municipal committee shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf:

Provided that a committee constituted under section 5, sub-section (2), shall come into existence on the day fixed under that sub-section.

Consequences of establishment of municipal committee where municipal committee under Act VII of 1874 exists.

14. When a municipal committee comes into existence under section 13 for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area

VII of 1874. which is a municipality under the British Burma Municipal Act, 1874, the following consequences shall ensue, namely:—

(*a*) the said Act shall cease to apply to the local area;

(*b*) the municipal committee (if any) constituted under that Act for the local area (hereinafter called the old committee) shall cease to exist;

(*c*) all property vested in the old committee shall for the purposes of this Act vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(*d*) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Act had not been passed;

(*e*) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee and shall not be dismissed from that employment without the sanction of the Local Government; and

(*f*) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

Member of municipal committee to be municipal commissioner.

15. Every member of a municipal committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

President and Vice-president.

Election of president and vice-president.

16. A municipal committee shall, from time to time, at a special meeting, elect one of its members to be president, and may, from time to time, at a like meeting, elect another of its members to be vice-president:

Provided that in such municipalities, if any, as the Local Government may, by notification in the official Gazette, exempt from the operation of this section, the president shall, until the notification is rescinded by a like notification, be appointed by the Local Government from among the members of the committee.

Term of office of president and vice-president.

17. *(1)* The term of office of a president or vice-president shall be one year, and on the expiration of that period he may be again elected or appointed.

(2) Nothing in this section shall affect section 5, sub-section (2).

Casual vacancies in office of president or vice-president.

18. *(1)* If a president elected by a municipal committee or a vice-president dies, ceases to be a member of the committee or resigns his office, the committee shall, at a special meeting, elect another of its members to be president or vice-president.

(2) If a president appointed by the Local Government dies, ceases to be a member of the committee or resigns his office, the Local Government shall appoint another president.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 19-28.)

until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments and Removals.

19. All elections and appointments of presidents and vice-presidents, and all elections, appointments and removals of members, of municipal committees, shall be notified in the local official Gazette, and no such election or appointment shall take effect until it is so notified.

Notification of appointments, &c.

Conduct of Business.

20. *(1)* A municipal committee shall meet for the transaction of business at least once in every month, at such time as may, from time to time, be fixed by the rules made under section 27.

Time for holding meetings.

(2) The president, or, in his absence, the vice-president, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth or two of the members of the committee, convene an ordinary or a special meeting at any other time.

21. *(1)* A meeting of a municipal committee shall be either ordinary or special.

Ordinary and special meetings.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

22. *(1)* The quorum necessary for the transaction of business at a special meeting of a municipal committee shall be one-half of the whole committee:

Quorum.

Provided that, when the committee consists of less than six members, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a municipal committee shall be such number, not less than three, as may, from time to time, be fixed by the rules made under section 27:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted by the adjourned meeting whether there is a quorum present thereat or not.

23. *(1)* At every meeting of a municipal committee the president, if present, shall preside as chairman.

Chairman of meeting.

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting and the vice-president is present, he shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

24. *(1)* Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before any meeting of a municipal committee shall be decided by a majority of the votes of the members present.

Vote of majority decisive.

(2) In case of an equality of votes, the chairman at the meeting shall have a second or casting vote.

25. Every resolution passed by a municipal committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be open to inspection by the public at the municipal office at all reasonable times without charge, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may direct.

Resolutions to be recorded and published.

26. The discussions and proceedings of a municipal committee shall be conducted and recorded either in English or in Burmese, as the committee at a special meeting may, from time to time, decide:

Language of committee.

Provided that, if the discussions and proceedings are conducted and recorded in English, the committee shall provide for interpreting and translating them into Burmese for the benefit of members who do not understand English.

27. *(1)* A municipal committee may, from time to time, at a special meeting, make rules consistent with this Act as to—

Power to make rules as to conduct of business.

(*a*) the time and place of its meetings;

(*b*) the manner in which notice thereof is to be given;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings, and the adjournment of meetings;

(*e*) the person or persons to be primarily responsible for the current executive administration and their powers; that is to say, what portion of the executive authority shall be exercised by the president, by the vice-president, by sub-committees, by individual members and by officers or servants of the committee;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money paid under this Act; and

(*g*) any other similar matters.

(2) A rule made under clause *(e)* shall not take effect until it has been confirmed by the Local Government, and no rule made under this section shall take effect until it has been published in such manner as the Local Government may direct.

28. In cases of emergency the president, or in his absence the vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Extraordinary powers of president and vice-president in case of emergency.

Provided that—

(a) he shall not act under this section in contravention of any order of the committee passed at a meeting; and

(b) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 29-38.)

Joint Committees.

29. A municipal committee may, from time to time, concur with any other municipal committee or cantonment authority, or with more than one such committee or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which it is appointed.

Joint committee of two or more committees or cantonment authorities.

Defects in Constitution and Irregularities.

30. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a municipal committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

Officers and Servants.

31. *(1)* A municipal committee shall, from time to time, at a special meeting, appoint one of its members or some other person to be its secretary, and may at a like meeting remove any person so appointed.

Appointment of secretary.

(2) If a secretary is a member of the committee, he shall receive no remuneration in respect of his services. If he is not a member of the committee, the committee may, with the previous sanction of the Commissioner, assign to him any such pay as it thinks fit.

32. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal committee may appoint and remove, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to those officers and servants such pay as it thinks fit.

Employment of other officers and servants.

33. If, in the opinion of the Commissioner, the number of persons employed by a municipal committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Power to prevent extravagance in establishments.

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

34. In the case of a Government official, a municipal committee may—

Pensions of Government officials serving the committee.

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

35. In the case of an officer or servant not being a Government official referred to in section 34, a municipal committee may—

Pensions of other officers and servants.

(1) grant him leave-allowances and, if he is employed under the committee appointed under the British Burma Municipal Act, 1874, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and VII of 1874.

(2) if empowered in this behalf by the Local Government—

(*a*) subscribe in his behalf for pension or gratuity under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the servant would be entitled if the service had been service under Government.

Contracts and Transfers of Property.

36. *(1)* When a contract made by or on behalf of a municipal committee exceeds in value or amount one hundred rupees, it must be in writing, and must be signed by the president or vice-president and at least one other member of the committee.

Mode of executing contracts and transfers.

(2) A transfer of immoveable property belonging to the committee must be made by an instrument in writing, executed by the president or vice president and by at least two other members of the committee.

(3) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the committee.

37. *(1)* If any member, officer or servant of a municipal committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code. XLV of 1860.

Penalty on member, officer or servant of committee being interested in contract made with committee.

(2) A person shall not, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Acquisition of land.

38. Where any land, whether within or without the limits of a municipality, is required by a municipal committee for the purposes of this Act or for any other object which it is em-

Acquisition of land under Act X of 1870.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 39-40.)
(Chapter IV.—Taxation.—Sections 41-51.)

powered to carry out under any other enactment for the time being in force, the Local Government may, at the request of the municipal committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee.

X of 1870.

Privileges and Liabilities.

Suits against committee and its officers.

39. No suit shall be instituted against a municipal committee or against an officer of any such committee in respect of an act purporting to be done by him in his official capacity until the expiration of one month next after notice in writing has been, in the case of a committee, delivered to or left at its office, and in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Liability for loss, waste or misapplication.

40. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a municipal committee, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee, and a suit for compensation may be instituted against him by the committee or by the Secretary of State for India in Council.

CHAPTER IV.
TAXATION.
General Provisions.

Taxes which may be imposed for general purposes of Act.

41. *(1)* Subject to any general rules or special orders which the Governor General in Council may make in this behalf, a municipal committee may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 45, any of the following taxes, namely:—

(A) with the previous sanction of the Local Government—

(a) a tax on buildings and lands situate within the municipality or any part thereof, not exceeding five per centum of the annual value of the buildings and lands;

(b) a tax on lands covered by buildings and situate as aforesaid, at a rate not exceeding one pie per square foot per annum;

(c) a tax on houses situate as aforesaid, according to the number of posts in each, at rates not exceeding the following, namely:—

For a house having not more than 2 posts	Rs. A. 0 8	per annum.
For a house having 3 posts	1 8	„
For a house having 4 posts	2 8	„
For a house having 5 posts	4 0	„
For a house having 6 posts	7 0	„
For a house having 7 posts	10 0	„

and when a house has more than seven posts, four rupees eight annas additional per annum for each post above seven;

(d) a tax on vehicles, boats and animals used for driving, riding, draught or burden, and dogs, kept within the municipality or any part thereof;

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided as follows:—

(e) only one of the taxes mentioned in clauses *(a)*, *(b)* and *(c)* shall be imposed in respect of the same property; and

(f) in assessing a house to the tax mentioned in clause *(c)*, only posts facing a road or street shall be counted, except in the case of bazars or large buildings extending through from street to street, in which case the posts contained in one row from street to street, instead of those facing streets, may, in the discretion of the assessing authority, be counted.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished;

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption, would have been leviable.

Water-tax.

42. *(1)* Besides the taxes imposed under section 41, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of such works, impose in manner prescribed by section 45, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, together with the estimated income from payments for water supplied from the works under special contracts or otherwise, should not exceed the amount required for the said purpose.

Lighting-tax.

43. Besides the taxes imposed under the foregoing sections, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of lighting the public streets throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for lighting those streets, impose, in manner prescribed by section 45, a tax, to be called the lighting-tax, upon buildings and lands situate

Burma Municipal Act, 1884.
(Chapter IV.—Taxation.—Sections 44-51.)

within the municipality or that part thereof, as the case may be:

Provided that in fixing the rate or amount of the tax regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

Scavenging-tax.

44. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, impose, in manner prescribed by section 45, upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Procedure in imposing such taxes.

45. *(1)* A municipal committee may resolve, at a special meeting, to propose the imposition of any tax under section 41, 42, 43 or 44.

(2) When a resolution has been passed under sub-section (1), the committee shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax and objecting to the same may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no objection is received within the said period of thirty days, or if the objections received, having been considered as aforesaid, are deemed insufficient, the committee may submit its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid and its decision thereon.

(5) The Local Government, on receiving such proposals may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction the same, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal committee in respect of a tax have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(a) no tax shall come into force until it has been notified;

(b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(c) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish or reduce tax.

46. A municipal committee may, at a special meeting, with the sanction of the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to Local Government to suspend levy of tax.

47. *(1)* If it at any time appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the municipal committee to take, within a specified period, measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may, by notification, suspend the levy of the tax or of any part thereof until the objection has been removed.

(2) The Local Government may at any time by a like notification, rescind any such suspension.

Power to make rules for assessment, collection and remission of taxes.

48. *(1)* The Local Government may make rules for the assessment, collection and remission of taxes leviable under this Act and preventing evasion of the same:

Provided that every such rule shall be consistent with the provisions of this Act and with the proposals sanctioned in respect of the tax under section 45.

(2) In making any rule under this section the Local Government may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

Taxes not invalid for defect of form.

49. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of the tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes leviable under Act VII of 1874 to be deemed to be taxes under this Act.

50. All taxes leviable in any local area under the British Burma Municipal Act, 1874, at the time when a municipal committee having authority over that local area comes into existence under this Act, shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act. VII of 1874.

Taxes on Immoveable Property.

Preparation of assessment-list.

51. (1) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

Burma Municipal Act, 1884.
(Chapter IV.—Taxation.—Sections 52-59.)
(Chapter V.—Funds and Property.—Section 60.)

(a) the name of the street or division in which the property is situate;

(b) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual value, area or number of posts on which the property is assessed; and

(e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of the measurements or number of posts or of the rent or annual value.

Publication of notice of assessments.

52. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

53. *(1)* The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

Settlement of list.

54. *(1)* After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

55. *(1)* The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently assessed through mistake, oversight or fraud, after giving notice to any person interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

New list need not be prepared every year.

56. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the assessment for the year following, giving the same notice of the assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

57. When a tax payable under section 41, clause *(a)*, *(b)* or *(c)*, or under section 42, 43 or 44, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

Taxes under section 41, clauses *(a)*, *(b)* and *(c)*, from whom due.

58. Every tax payable under section 41, clause *(a)*, *(b)* or *(c)*, shall be due jointly and severally from all persons who have been in occupation of the building or land assessed at any time during the year of assessment, or, when the tax is payable by instalments, at any time during the period in respect of which the instalment is payable, and from all persons who have held under them as tenants, mortgagees or conditional vendees.

Tax under sections 42, 43 and 44 payable by occupier.

59. Every tax leviable under section 42, 43 or 44 shall be payable by the occupier of the building or land in respect of which it is payable.

CHAPTER V.

FUNDS AND PROPERTY.

Municipal fund constituted.

60. There shall be formed for each municipality a municipal fund, and there shall, except as by this Act provided, be credited thereto—

(a) all sums received by or on behalf of the committee under this Act or otherwise;

(b) all fines realized in cases in which prosecutions are instituted under this Act or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality;

(c) any sums which the Local Government may annually assign, as it is hereby empowered to do, to the municipal fund from the port fund of any port abutting on or within the municipality as being in its opinion a just and reasonable contribution towards the expenditure rendered necessary by the resort to the municipality of seamen from ships lying in the port; and

VII of 1874.

(d) when there has been included within the municipality a municipality constituted under the British Burma Municipal Act, 1874, the balance (if any) standing at the credit of the funds of that municipality at the time when the municipal committee came into existence.

Burma Municipal Act, 1884.
(Chapter V.—Funds and Property.—Sections 61-64.)

Application of fund.

61. *(1)* The committee shall set apart and apply annually out of the municipal fund—

(a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(b) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 34 and 35,

(c) thirdly, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in subsection (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely:—

(a) the construction, maintenance, improvement, cleansing and repair of streets, and of public bridges, embankments, drains, latrines, tanks and water-courses;

(b) the watering and lighting of the streets or any of them;

(c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, zayáts, wharves, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions;

(e) the training of teachers and the establishment of scholarships;

(f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity:

(g) the supply, storage and preservation from pollution of water for the use of men or animals;

(h) the planting and preservation of trees;

(i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(j) the holding of fairs and industrial exhibitions; and

(k) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

School fund.

62. *(1)* There shall be formed for each municipality a school fund. To this fund shall be credited—

(a) the fees levied in schools maintained at the cost of the school fund;

(b) any assignment that may be made to the school fund from provincial funds or from any district or local fund;

(c) any other funds or income that may be entrusted to the municipality for the promotion of education; and

(d) any sums assigned for educational purposes from the municipal fund.

(2) The Local Government may fix for any municipality the minimum proportion of the municipal fund that shall be yearly assigned to the school fund under clause *(d)*: Provided that the minimum so fixed shall not exceed 5 per cent. on the gross annual income of the municipality.

(3) No expenditure, except expenditure for the promotion of education, shall be charged against the school fund. In case of doubt the Commissioner shall decide whether any expenditure is or is not for the promotion of education.

Custody of, and disbursements from, funds.

63. *(1)* The balances standing to the credit of the municipal fund and school fund shall, if there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over situate within the municipality, be kept in that treasury, sub-treasury or bank. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury or bank as aforesaid, and such money as may be required for current expenditure shall be kept by the committee in a strong box in such place and under such precautions as the committee may, from time to time, direct.

(2) No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the committee.

Investment of same.

64. *(1)* A municipal committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund or school fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of the like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund or school fund, as the case may be.

Burma Municipal Act, 1884.
(Chapter V.—Funds and Property.—Sections 65-67.)
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 68-74.)

65. Subject to any special reservation made by the Local Government, all property in a municipality of the nature hereinafter specified shall be vested in and belong to the municipal committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

Property vested in municipality.

(*a*) all public townhalls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of municipal funds;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes and other waterworks, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and watercourses in, alongside or under any street, and all works, materials and things appertaining thereto;

(*d*) all dust, dirt, dung, ashes, refuse, animal-matter or filth, or rubbish of any kind, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere;

(*e*) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) all land or other property transferred to the committee by the Government or by gift or otherwise for local public purposes; and

(*g*) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

66. (*1*) The management, control and administration of every public institution maintained out of municipal funds shall vest in the committee:

Management of public institutions.

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(*2*) When any public institution is placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

67. The committee may, with the sanction of Local Government, transfer to Her Majesty any property vesting in the committee under section 65 or section 66, but not so as to affect any trusts or public rights subject to which the property is held.

Transfer to Crown of property vesting in committee.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

68. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to acquire land for building-sites adjoining new streets.

69. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Power to close streets.

70. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to permit temporary occupation of streets, &c.

71. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Power to attach brackets for lamps.

72. (*1*) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

Names of streets and numbers of buildings.

(*2*) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

73. The committee at a meeting may direct that, within certain limits, to be fixed by it, the external roofs and walls of huts or other buildings shall not be made or renewed of bamboos, grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Roofs and external walls not to be made of inflammable materials.

74. (*1*) If any building or part of a building projects beyond the regular line of a public street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the public street and shall vest in the committee:

Power to regulate line of buildings.

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 75-80.)

(*2*) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

75. (*1*) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

Notice of new buildings.

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(*2*) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions or alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

76. (*1*) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

Removal of projections and obstructions.

(*2*) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(*3*) The committee may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

77. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Bathing and washing places.

Deposit of Offensive Matter and Slaughter-places.

78. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Removal and deposit of offensive matter.

79. (*1*) The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

Places for slaughter of animals.

(*2*) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(*3*) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(*4*) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

80. (*1*) The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Powers in respect of burial and burning places.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 81-89.)

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

Removal of corpses.

81. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable materials.

82. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting bamboos, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools.

83. *(1)* The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies and cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power to enter and inspect buildings, &c.

84. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on buildings or land.

85. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation

86. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act and which has not been so taxed.

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

87. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Power of entry for purpose of scavenging.

88. *(1)* The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

(2) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions to be observed in entering dwelling.

89. When any building, used as a human dwelling, is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 90-101.)

Water-pipes, Privies and Drains.

Troughs and pipes for rain-water.

90. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

Provision of privies, &c.

91. *(1)* The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

Repair, alteration and closing of drains, privies and cesspools.

92. *(1)* The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool, belonging thereto.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

Unauthorised buildings over drains, &c.

93. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, watercourse or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, &c., near any source of water-supply.

94. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Power to require drainage, &c., of unwholesome tanks, &c.

95. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, &c., to be secured.

96. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

97. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee consider necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in unsanitary Condition.

Power to require owner to clear away noxious vegetation.

98. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to trim hedges and trees bordering on streets, wells, &c.

99. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Cleansing of filthy buildings or land.

100. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power to prohibit use for human habitation of buildings unfit for such use.

101. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 102-106.)

102. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

103. *(1)* The committee, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the municipality is injurious to the health of persons dwelling in the neighbourhood, may, with the previous sanction of the Local Government, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury :

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section *(1)*, he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

104. *(1)* The owner or occupier of every place within the municipality used for any of the following purposes, namely :—

Regulation of offensive and dangerous trades.

melting tallow ;

boiling bones, offal or blood ; or

as a soap-house, oil-boiling house, dyeing-house or tannery ; or,

as a brickkiln, pottery or limekiln ; or

as any other manufactory or place of business from which offensive or unwholesome smells arise ; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material ; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance ;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may impose such conditions in respect of such license as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

105. *(1)* If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to prohibit such trades.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

106. A committee may, from time to time, at a special meeting, make rules—

Power to make rules.

(a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked ;

(b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours ;

(c) for securing a proper registration of births, marriages and deaths, and for the taking of a census ;

(d) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family ;

for the registration and inspection of such buildings ;

for promoting cleanliness and ventilation in such buildings ;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings ;

and generally for the proper regulation of such buildings ;

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 107-112.)

(e) for the inspection and proper regulation of encamping-grounds, pounds, zayáts, wharves not within the limits of any port, markets and slaughter-houses ;

(f) for the holding of fairs and industrial exhibitions within the municipality and under its control ;

(g) for controlling and regulating the use and management of burial and burning grounds ;

(h) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use ; and

(i) for carrying out the purposes of this Act :

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses *(a)* and *(b)* in respect of any vehicles to which that Act applies.

XIV of 1879.

107. In making any rule under section 106 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of, or in addition to, such fine the Magistrate may require the offender to remedy the mischief so far as within his power.

Penalty for infringement of rules.

108. No rule made under section 106 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Confirmation of rules.

Supplemental.

109. *(1)* When any notice under this chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

Execution of acts required to be done by any notice.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

110. *(1)* Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

Recovery of costs of execution.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner.

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable ; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

111. *(1)* The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

Compensation out of municipal fund.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

X of 1870.

112. *(1)* Any person aggrieved by any order made by a committee under the powers vested in it by sections 80, 101 or 105 may appeal within thirty days from the date thereof to the Commissioner or to the Deputy Commissioner as the Local Government may prescribe in this behalf ; and no such order shall be liable to be called in question otherwise than by such appeal :

Appeals against certain orders of committee.

Provided that, if the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final :

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

Burma Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 113-126.)

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

113. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Throwing corpse or carcass into river, &c.

114. Whoever throws or causes to be thrown any corpse or carcass or any part thereof into any river, stream, well, lake, canal, tank or any other such place shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

115. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Non-removal of filth, &c.

116. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any carcass, dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

117. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

118. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 94, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals in disregard of orders.

119. Whoever keeps any swine, buffaloes, cows, oxen, sheep or goats in disregard of any orders which the committee may give to prevent them from becoming a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

120. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

121. Whoever drives any vehicle after dark in any public street or thoroughfare unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

122. Whoever discharges fire-arms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

123. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place, shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

124. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building

125. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Penalty on exposure of infected persons and things.

126. Any person who—

(1) while suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor or driver thereof that he is so suffering; or,

(2) being in charge of any person so suffering, so exposes the sufferer; or

(3) gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding fifty rupees; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the Court to pay the owner and driver

Burma Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 127-132.)
(Chapter VIII.—Control.—Sections 133-134.)

the amount of any loss and expense they may incur in carrying into effect any measures requisite for disinfection of the conveyance:

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

127. Every owner or driver of a public conveyance shall immediately provide for the disinfection of the conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder, and if he fails to do so he shall be liable to a penalty not exceeding fifty rupees; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Picketing animals and collecting carts.

128. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Keeping corpses or carrying corpses by prohibited routes or so as to cause annoyance.

129. Whoever, without the permission of the committee, keeps a corpse or causes it to be kept in or on any building or land when seventy-two hours after death have elapsed, or carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

130. Whoever, in any public place, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post or fence, or injures any tree, or extinguishes any light shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience to orders of committee under last chapter.

131. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Prosecution to be suspended in certain cases.

132. Any prosecution for an offence under section 80, or section 105, or under section 131, when the order which has been disobeyed is appealable, shall be suspended, when the Magistrate learns that an appeal has been instituted, pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

133. The Commissioner or the Deputy Commissioner may—

(a) enter on and inspect, or cause to be entered on and inspected, any immoveable property situate within the limits of his division or district respectively and occupied by any municipal committee or joint committee, or any work which is in progress within those limits under the direction of any such committee or joint committee;

(b) call for and inspect any book or document in the possession or under the control of any such committee or joint committee having authority within those limits;

(c) require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee or joint committee, as he may think fit to call for; and

(d) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee or joint committee:

Provided that—

(1) when the Deputy Commissioner is a member of a committee or joint committee, he shall not exercise, in respect of that committee or joint committee, the powers conferred upon him by this section; and

(2) in any of the municipalities of Rangoon, Maulmain, Akyab and Bassein, and any other municipalities to which the Local Government may extend this clause, the said powers shall be exercised by the Local Government and not by any authority mentioned in the foregoing part of this section.

Power to suspend action under Act.

134. *(1)* The Commissioner or the Deputy Commissioner may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal committee or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2) When a Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, and of any representations regarding it submitted to him by the municipal committee, to the Local Government, which may thereupon rescind the order

Burma Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 135-140.)

or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in case of emergency.

135. *(1)* In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal committee is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or as much thereof as is, from time to time, possible, from the balance in priority to any or all other charges against the same.

(3) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

Powers of Local Government in case of default of committee.

136. *(1)* If at any time it appears to the Local Government that a municipal committee has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Deputy Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Deputy Commissioner by the committee.

(3) If the expense is not so paid, the Deputy Commissioner with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance in priority to any or all other charges against the same.

Power of Local Government to supersede committee in case of incompetency, persistent default or excess or abuse of powers.

137. *(1)* If a municipal committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the commtitee to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a committee is so superseded, the following consequences shall ensue:—

(a) All members of the committee shall, as from the date of the order, vacate their offices as such members.

(b) All powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Local Government appoints in that behalf.

(c) All property vested in the committee shall, during the period of supersession, vest in the Local Government.

(3) On the expiration of the period of supersession specified in the order, the committee shall be reconstituted, and the persons who vacated their offices under clause *(a)* shall not be deemed disqualified from being members.

Disputes.

138. *(1)* If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a cantonment authority, the matter shall be referred—

(a) to the Deputy Commissioner, if the local authorities concerned are in the same district;

(b) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(c) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If in the case mentioned in clause *(a)* the Deputy Commissioner is a member of one of the committees concerned, his functions under this section shall be discharged by the Commissioner.

(4) "Local authority" in this section means a municipal committee or cantonment authority.

Annual reports and statements.

139. *(1)* A municipal committee shall, at the close of each year or of such other period as may, from time to time, be fixed by the Local Government in this behalf, submit to the Local Government a statement of its receipts and disbursements, in such form as the Local Government may prescribe, and a general report of its proceedings during that period:

Provided that separate accounts shall be submitted of—

(a) all receipts of the water-tax, lighting-tax and scavenging-tax, and of all expenditure on the purposes for which those taxes are levied, respectively; and

(b) all income under the heads mentioned in section 62, and all expenditure on educational purposes.

(2) Accounts submitted under this section shall be examined or audited in such manner as the Local Government prescribes.

Estimates of receipts and expenditure.

140. *(1)* A municipal committee shall submit, before such date in each year as may be directed by the Local Government, for the sanction of such authority as the Local Government may appoint in this behalf, an estimate of its probable receipts for the financial year next following, with proposals for its expenditure, and may, from time to time, submit in like manner further estimates or proposals amending the same.

(2) No expenditure shall be incurred by the committee unless it is provided for in a proposal sanctioned under this section.

Burma Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 141-143.)
(Chapter IX.—Supplemental.—Sections 144-149.)

(3) An abstract of the annual estimate and proposals submitted and sanctioned as required by this section shall be published in such manner as the Local Government directs.

Sanction to works.

141. *(1)* No new work, the estimated cost of which exceeds five hundred rupees, shall be begun by a municipal committee, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof have been approved by the committee at a meeting.

(2) If the estimated cost of any such new work has not been specifically provided for in proposals submitted and sanctioned in manner mentioned in section 140, or exceeds—

twenty thousand rupees in the case of the municipalities of Rangoon, Maulmain, Bassein and Akyab, or

one-tenth of the estimated annual income of the municipal fund in the case of any other municipality,

it shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to and approved by the Local Government, or by an officer empowered by the Local Government in this behalf.

Powers of Commissioner.

142. In all matters connected with the administration of this Act a Commissioner shall have and exercise the same authority and control over a Deputy Commissioner subordinate to him as he has and exercises over the Deputy Commissioner in the general revenue administration.

Additional power of Local Government to frame forms and make rules.

143. The Local Government may frame forms for any proceeding of a municipal committee for which it considers that a form should be provided, and may, in addition to any other powers to make rules conferred by this Act, make rules consistent with this Act—

(a) as to the intermediate office or offices, if any, through which correspondence between municipal committees and the Local Government or officers of that Government and representations addressed to the Local Government under this Act shall pass;

(b) as to the preparation of estimates of receipts and expenditure of committees, and as to the conditions subject to which such estimates may be sanctioned;

(c) as to the returns, statements and reports to be submitted by committees; and

(d) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

CHAPTER IX.

SUPPLEMENTAL.

Criminal Procedure.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

144. *(1)* Every police-officer employed in a municipality shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Any such police-officer may arrest any person committing in his view any offence against this Act or the rules made thereunder—

(a) if the name and address of the person are unknown to him, or

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

Prosecutions.

145. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of or with the approval of the municipal committee.

Member not to be deemed interested in prosecution.

146. A Judge or Magistrate shall not be deemed to be a party to or personally interested in any such prosecution within the meaning of section 555 of the Code of Criminal Procedure X of 1882. merely because he is a member of the committee by the order or with the approval of which it has been instituted.

Saving of prosecutions under other laws.

147. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules under section 7, 48, 106 or 143.

148. *(1)* The authority empowered to make rules under section 7, 48, 106 or 143 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

Continuance of existing rules.

149. *(1)* The Local Government may, by notification in the official Gazette, direct that any rules made under the British Burma Municipal Act, 1874, and in force in any local VII of 1874. area being, or comprised in, a municipality

Burma Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 150-157.)

constituted under this Act at the time the municipal committee for that municipality comes into existence under section 13, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made.

(2) The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

Recovery of Money.

150. All fees and all rents and other sums due on account of property for the time being vested in or managed by the municipal committee, and all arrears of taxes and other money due for water supplied or otherwise under this Act, may be recovered as if they were arrears of land-revenue.

Recovery of money.

Notices.

151. *(1)* Every notice issued by a committee under this Act or under any rule made thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

Authentication, service and validity of notices.

(2) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

152. When any notice is, under the provisions of this Act, to be given to, or served on, the owner or occupier of any property and he is unknown, it may be given or served—

Mode of giving notice to owner or occupier of property.

(a) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

153. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Publication of public notices.

Alteration of Municipal Limits.

154. The Local Government may, by notification published in the official Gazette, and in such other manner as the Local Government may determine, declare its intention—

Notification of intention to alter limits of municipality.

(a) to exclude from a municipality any local area comprised therein and defined in the notification, or

(b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

155. *(1)* Any inhabitant of a municipality or local area in respect of which a notification has been published in the official Gazette under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the official Gazette, and the Local Government shall take his objection into consideration.

Alteration of limits of municipality.

(2) When six weeks from the publication of the notification in the official Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by a notification in the official Gazette, exclude the local area from the municipality or include it therein, as the case may be.

156. *(1)* When a local area is excluded from a municipality under section 155—

Effect of exclusion of local area from municipality.

(a) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(b) the Local Government shall, after consulting the municipal committee, frame a scheme determining what portion of the balance of the municipal and school funds and other property vested in the municipal committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the publication of the scheme in the local official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

157. When a local area is included in a municipality under section 155, this Act, and, except as the Local Government may otherwise, by notification in the official Gazette, direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force

Effect of including local area in municipality.

Burma Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 158-161.)

throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Powers to except Municipalities from Provisions of Act.

158. *(1)* If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the official Gazette, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by like notification.

Power to except municipality from provisions of Act unsuited thereto.

(2) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Miscellaneous.

159. Nothing in this Act shall affect the Local Authorities Loans Act, 1879. XI of 1879

Saving of Act XI of 1879.

160. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Powers of Governor General in Council and of Local Government exercisable from time to time.

161. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

Decision of questions as to whether persons are "inhabitants."

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1884, and is hereby promulgated for general information :—

ACT NO. XVIII OF 1884.

THE PANJÁB COURTS ACT, 1884.

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56. Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.
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THE SCHEDULE.—ACTS REPEALED.

An Act to mend the Law relating to Courts in the Panjáb.

WHEREAS it is expedient to amend the law relating to Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. *(1)* This Act may be called the Panjáb Courts Act, 1884.

(2) It extends to the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb; and

(3) it shall come into force on the first day of November, 1884.

(4) Any power conferred by this Act to make rules or to issue orders creating territorial divisions, establishing Courts, appointing and posting officers, or fixing the pecuniary or local limits of their jurisdiction or conferring powers may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal of Acts.

2. On and from that day the Acts mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Definitions.

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

(1) "Assistant Commissioner" includes Extra Assistant Commissioner:

(2) "Revenue Court" means the Court of a Financial Commissioner, of a Commissioner, of a Deputy Commissioner, of an Assistant Commissioner, of a Tahsíldár or of a Náib Táhsíldár exercising jurisdiction in suits of any of the classes mentioned in section 45:

(3) "small cause" means a suit of the nature cognizable in a Court of Small Causes constituted under Act XI of 1865, and any other suit not being a suit of any description specified in section 19 of the Presidency Small Cause Courts Act, 1882, which the Chief Court, with the sanction of the Local Government, may direct to be treated as a small cause for the purposes of appeal: XV of 1882.

(4) "land" means land assessed or liable to be assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village:

(5) "rent" means whatever is payable by an occupant of land on account of the use or occupation thereof:

(6) "tenant" means any occupant of land liable to pay rent therefor, but does not include an under-proprietor:

(7) "landlord" means any person entitled to receive rent paid by a tenant; and

(8) "value", used with reference to a suit, means the amount or value of the subject-matter of the suit.

CHAPTER II.

THE CHIEF COURT.

Constitution of Chief Court and appointment and tenure of Judges.

4. There shall continue to be a Chief Court consisting of three or more Judges, who shall be appointed by the Governor General in Council and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing.

Rank and precedence of Judges of Chief Court.

5. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges:

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

The Panjáb Courts Act, 1884.
(Chapter II.—The Chief Court.—Sections 6-14.)

Civil appellate jurisdiction.

6. The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Criminal jurisdiction.

7. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial.

Delegation of powers to members of Court.

8. *(1)* Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its Judges of any of its powers:

Provided that no decree, sentence, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by any Judge of the Chief Court sitting alone. XIV of 1882.

(2) When the Chief Court consists of more than three Judges, it may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court, and may by these rules prescribe the mode of determining which Judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) Subject to the provisions of sub-section (2), the Senior Judge may determine which Judge in each case shall sit alone, and which Judges of the Court shall constitute any bench.

Appeals from original jurisdiction of Chief Court.

9. Except as otherwise provided by any enactment for the time being in force, an appeal from any decree or order made by the Chief Court—

(a) in exercise of its original jurisdiction in cases withdrawn from other Courts under section 25 of the Code of Civil Procedure, or XIV of 1882.

(b) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section,—

shall lie in the cases and in manner following (that is to say):—

(1) if the decree or order is made by a single Judge, the appeal shall lie either to a bench consisting of two other Judges, or to a full bench, as the Court may, by general rule or special order, direct;

(2) if the decree or order is made by a bench of Judges not being a full bench, and the Judges differ in opinion, the appeal shall lie to a full bench.

Rule of decision when Judges differ.

10. Except as otherwise provided by any enactment for the time being in force,

(1) when there is a difference of opinion among the Judges composing any bench of the Chief Court, the decision shall be in accordance with the opinion of the majority of those Judges;

(2) If there is no such majority, then—

(a) if the bench is a full bench, or is exercising original civil jurisdiction, the decision shall be in accordance with the opinion of the Senior Judge;

(b) in other cases, the bench before which the question has arisen shall refer the question to a full bench, and shall dispose of the case in accordance with the decision of the full bench.

Power to refer question to full bench.

11. Any single Judge of the Chief Court and any bench of Judges of that Court, not being a full bench, may in any case refer for the decision of a full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the Judge or bench, and shall dispose of the case in accordance with the decision of the full bench on the question.

Ministerial officers.

12. *(1)* The Chief Court may appoint a Registrar and Deputy Registrar, and such other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

(2) The appointment of the Registrar shall be subject to the sanction of the Local Government.

(3) The officers appointed under this section shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.

(4) Any such officer may be suspended or dismissed from his office by order of the Chief Court:

Provided that neither the Registrar nor the Deputy Registrar shall be dismissed without the previous sanction of the Local Government.

Superintendence and control of Subordinate Courts.

13. The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Chief Court.

Power to make rules.

14. *(1)* The Chief Court may make rules consistent with this Act and any other enactment for the time being in force—

(a) providing for the translation of any papers filed in the Chief Court and copying or printing any such papers or translations, and requiring from the persons at whose instance or on whose behalf they are filed payment of the expenses thereby incurred;

(b) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjáb, and regulating the conduct of persons so practising;

(c) determining in what cases persons practising in those Courts shall be permitted to address the Court in English;

(d) prescribing forms for seals to be used by those Courts;

(e) regulating the procedure in cases where any person is entitled to inspect a record of any such Court or obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies;

(f) conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a non-judicial or quasi-judicial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

The Panjáb Courts Act, 1884.
(Chapter II.—The Chief Court.—Sections 15-16.)
(Chapter III.—The Subordinate Civil Courts.—Sections 17-24.)

(*g*) prescribing forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in those Courts or submitted to any authority;

(*h*) providing for the inspection of those Courts and the supervision of the working thereof; and

(*i*) regulating all such matters as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of those Courts and maintaining proper discipline among those officers.

(2) A rule made under clause (*a*), (*b*), (*c*), (*f*) (*g*), (*h*) or (*i*) shall not take effect until it has been sanctioned by the Local Government and has been published in the official Gazette.

(3) Whoever breaks any rule made under clause (*b*) shall be punished with a fine which may extend to fifty rupees.

Registers, books, accounts and statements to be kept and furnished by Chief Court.

15. *(1)* The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of those registers, books and accounts, and such statements of the work done in the Court, as may be required by the said Government.

(2) The Chief Court shall also comply with such requisitions as may be made by the Governor General in Council, or by the Local Government, for certified copies of, or extracts from, the records of the Chief Court and the Courts subordinate thereto.

Procedure of Chief Court in exercise of civil jurisdiction.

16. *(1)* The Chief Court, when sitting as a Court of civil judicature, shall take evidence and record judgments and orders in such manner as it, by rule, directs, and may frame forms for any proceeding in the Court in the exercise of its civil jurisdiction.

XIV of 1882.

(2) The following provisions of the Code of Civil Procedure shall not apply to the Chief Court in the exercise of its original civil jurisdiction, namely, sections 119, 182 to 185 (both inclusive), 187, 189 to 191 (both inclusive), 192 (so far as it relates to the manner of taking evidence), 198, 200 to 204 (both inclusive), and so much of section 409 as relates to the making of a memorandum.

XIV of 1882.

(3) Section 579 of the said Code shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

Classes of Courts.

Classes of Courts.

17. Besides the Chief Court, the Courts of Small Causes established under Act XI of 1865 and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts (namely):—

(a) the Divisional Court;

(b) the Court of the District Judge;

(c) the Court of the Subordinate Judge;

(d) the Court of the Munsif.

Territorial Divisions.

Civil divisions and districts.

18. *(1)* For the purposes of this Act the Local Government shall divide the territories under its administration into civil divisions, and each civil division into civil districts.

(2) The Local Government may alter the limits or the number of these divisions and districts.

Divisional and District Courts.

Establishment of Divisional Courts.

19. *(1)* The Local Government shall appoint as many persons as it thinks necessary to be Divisional Judges, and shall for each civil division establish a Divisional Court consisting of one or more such Judges.

(2) The Local Government may, where a Divisional Court consists of more than one Judge, by general rule or special order determine which of them shall be deemed to be the senior.

Establishment of District Courts.

20. The Local Government shall appoint as many persons as it thinks necessary to be District Judges, and shall post one such person to each district as District Judge of that district:

Provided that the same person may, if the Local Government thinks fit, be appointed to be District Judge of two or more districts.

Distribution of business in Divisional Court.

21. The Chief Court may, subject to the provisions of this Act and any other enactment for the time being in force, make rules to provide for the exercise of any of the powers of a Divisional Court consisting of more than one Judge by one or more Judges of the Court:

Provided that no decree, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by a single Judge of a Divisional Court consisting of more than one Judge. XIV of 1882.

Original jurisdiction of Divisional and District Courts in suits.

22. Except as otherwise provided by any enactment for the time being in force, the Divisional Court and the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value.

District Court to be principal Civil Court of original jurisdiction.

23. Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district:

Provided that—

(*a*) for the purposes of the Indian Divorce Act, the Divisional Court shall be deemed to be the District Court for all districts comprised in the division; and IV of 1869.

(*b*) the Local Government may direct that the Divisional Court shall for any other purpose be deemed to be the District Court or principal Civil Court of original jurisdiction for any district comprised in the division.

Subordinate Judges and Munsifs.

Appointment of Subordinate Judges.

24. The Local Government may appoint as many persons as it thinks necessary to be Subordinate Judges.

The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 25-34.)

Appointment of Munsifs.

25. *(1)* The Local Government may fix the number of Munsifs to be appointed, and, when there is any vacancy in that number, the Chief Court may, subject to the rules (if any) made under subsection (2), appoint such person to the same as it thinks fit.

(2) The Chief Court may, with the previous sanction of the Local Government, make rules as to the qualifications of persons to be appointed Munsifs.

Pecuniary limits of jurisdiction of Subordinate Judges and Munsifs.

26. *(1)* The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge or Munsif shall in the case of a Subordinate Judge be determined by the Local Government, and in the case of a Munsif by the Chief Court, either by including him in a class or grade, or otherwise as it thinks fit.

(2) The jurisdiction in the case of a Subordinate Judge may be without limit, but in the case of a Munsif shall not extend to suits the value of which exceeds one thousand rupees.

Local limits of their jurisdiction.

27. *(1)* The local limits of the jurisdiction of a Subordinate Judge shall be such as the Local Government may define.

(2) The local limits of the jurisdiction of a Munsif shall be such as the Chief Court may define.

(3) When the Local Government posts a Subordinate Judge or the Chief Court posts a Munsif to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

Special Judges and Benches.

28. *(1)* The Local Government may confer on any person all or any of the powers conferable under this Act on a Subordinate Judge or Munsif with respect to particular classes of cases, or with respect to cases generally in any local area, and may withdraw, or suspend the exercise of, any powers so conferred.

(2) The Local Government may direct any uneven number of persons invested with powers of the same description and exercisable within the same local area under this section to sit together as a bench; and those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.

(3) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

(4) Persons on whom powers are conferred under this section shall be called Special Judges, and such persons and the benches constituted under this section shall be deemed for the purposes of this Act to be Subordinate Judges or Munsifs, as the Local Government may direct.

Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Court.

29. *(1)* The Chief Court may, by order, authorize any District Court to transfer to a Subordinate Judge or Munsif under its control any of the following proceedings or any class of such proceedings specified in the order, and then pending or thereafter instituted before the District Court (that is to say):—

(*a*) applications for certificates under Act XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*);

(*b*) proceedings under Act XL of 1858 (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) or Act IX of 1861 (*to amend the law relating to Minors*).

(2) The District Court may withdraw any proceedings so transferred, and may either itself dispose of them, or, with the previous sanction of the Chief Court, transfer them to any other Subordinate Judge or Munsif under its control.

(3) All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) subject to the rules applicable to like cases when disposed of by the District Court.

Small Cause Jurisdiction.

Power to confer Small Cause Court jurisdiction.

30. The Local Government may confer, within such local limits as it thinks fit, upon any District Judge, Subordinate Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under Act XI of 1865 for the trial of suits cognizable by such Courts up to such value, not exceeding five hundred rupees, as it thinks fit, and may withdraw any jurisdiction so conferred.

Suspension and Removal.

Suspension and removal.

31. *(1)* Any Divisional Judge, District Judge or Subordinate Judge may be suspended or removed from office by the Local Government.

(2) Any Munsif may, subject to the control of the Local Government, be suspended or removed from office by the Chief Court.

Valuation of Suits.

Valuation of suits.

32. When the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that suits of that class shall, for all or any of the purposes of this Act, be treated as if their subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

Administrative Control.

Controlling powers of Divisional and District Courts.

33. *(1)* Subject to the general superintendence and control of the Chief Court, every Divisional Court shall control all other Civil Courts in the division.

(2) Subject as aforesaid and to the control of the Divisional Court, every District Court shall control all other Civil Courts in the district.

Power of Divisional Court to transfer business.

34. *(1)* Every Divisional Court may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court. XIV of 1882.

(2) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 35-38.)
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Sections 39-43.)

35. Notwithstanding anything contained in the Code of Civil Procedure, every Divisional Court and District Court may, by written order, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit:

XIV of 1882. Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

36. *(1)* The ministerial officers of the Divisional and District Courts and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively.

Ministerial officers of Subordinate Courts.

(2) The ministerial officers of all Courts controlled by a District Court, other than Courts of Small Causes, shall be appointed, and may be suspended and dismissed, by the District Court.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf, and, in dealing with any matter under this section, a District Court or a Judge of a Court of Small Causes shall act subject to the control of the Divisional Court.

37. *(1)* A Divisional or District Court or any Court under the control of a District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

Power to fine ministerial officers.

(2) The District Court, subject to the general control of the Divisional Court, may, on appeal or otherwise, reverse or modify an order made under sub-section (1) by any Court under its control other than a Court of Small Causes, and may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control other than a Court of Small Causes.

38. A District Court may, with the previous sanction of the Local Government, delegate to any Subordinate Judge in the district the powers conferred on a District Court by sections 33, 35 and 36 of this Act, and section 25 of the Code of Civil Procedure, to be exercised by the Subordinate Judge in any specified portion of the district subject to the control of the District Court.

Delegation of District Judge's powers.

XIV of 1882.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

39. *(1)* Appeals from the decrees of a Munsif in small causes shall, when such appeals are allowed by law, and the value of the suit does not exceed five hundred rupees, lie to the District Judge.

First appeals to whom to lie.

(2) Appeals from the decrees of a District or Subordinate Judge in original suits, when the value of the suit exceeds five thousand rupees, and appeals from the decrees of the Divisional Court in original suits, shall, when such appeals are allowed by law, lie to the Chief Court.

(3) Appeals from decrees in original suits, not hereinbefore or by any other enactment for the time being in force provided for, shall, when such appeals are allowed by law, lie to the Divisional Court.

40. A further appeal shall lie to the Chief Court in the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely:—

Further appeal from Divisional Court.

(*a*) if the value of the suit exceeds five hundred rupees; or

the decree involves directly some claim to, or question respecting, property of like value;

(*b*) if the Divisional Court consists of a single Judge and the decree varies or reverses the decree of the Court below;

(*c*) if in a Divisional Court consisting of more than one Judge the appeal is heard by two or more Judges, and there is not a majority of those Judges concurring in the decree passed by the Divisional Court;

(*d*) if on the application of any party a Judge of the Divisional Court certifies that there is a question of law or custom or of general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal:

Provided that—

(1) an application under clause (*d*) shall not be received after the expiration of thirty days from the date on which the decree of the Divisional Court is passed, unless the applicant satisfies the Judge that he had sufficient cause for not presenting it within that period; and

(2) no further appeal shall lie in any small cause when the value of the suit does not exceed five hundred rupees.

41. Subject to the provisions of section 40 of this Act and sections 595 and 622 of the Code of Civil Procedure, a decree of the District or Divisional Court passed in appeal shall be final.

Appellate decision of District or Divisional Court otherwise final.

XIV of 1882.

42. *(1)* The Local Government may confer on a Subordinate Judge the powers of a District Judge for the purpose of hearing appeals from the Courts of Munsifs in any local area, and withdraw those powers.

Power to confer appellate jurisdiction on Subordinate Judge.

(2) A Subordinate Judge shall for purposes connected with the exercise of powers so conferred be deemed to be a District Judge.

43. *(1)* The period of limitation for an appeal under section 39 or section 40 shall run from the date of the decree appealed against, and shall be as follows, that is to say:—

Period of limitation.

(*a*) when the appeal lies to the District or Divisional Court—sixty days;

(*b*) when the appeal lies to the Chief Court—ninety days.

(2) In computing these periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877;

I of 1877.

XV of 1877.

The Panjáb Courts Act, 1884.
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Section 44.)
(Chapter V.—Revenue Courts.—Sections 45-47.)

Provided that, in computing the period of ninety days for an appeal under section 40, clause (*d*), the time during which the application under that clause has been pending shall be excluded.

44. For the purposes of section 617 of the Code of Civil Procedure, every appeal to a Divisional Court under this chapter shall, except when the value of the suit exceeds five hundred rupees, be deemed to be an appeal in which the decree is final.

XIV of 1882. References to Chief Court under section 617 of Code of Civil Procedure.

CHAPTER V.

REVENUE COURTS.

45. Suits of any of the classes comprised in the following groups instituted on and after the date on which this Act comes into force, shall be instituted, heard and determined in Revenue Courts and not otherwise:—

Certain classes of suits cognizable by Revenue Courts only.

First Group.

(*a*) Suits by tenants to establish a claim to a right of occupancy.

(*b*) Suits by landlords under section 6 of the Panjáb Tenancy Act, 1868, to prove that a tenant presumed to have a right of occupancy under that section has no such right.

XXVIII of 1868.

(*c*) Suits for enhancement or abatement of rent under Chapter III of the same Act.

(*d*) Suits for ejectment of a tenant.

(*e*) Suits under section 25 of the said Act to contest liability to be ejected when notice of ejectment has been served.

Second Group.

(*f*) Suits for arrears of rent on account of land, or of any payments due on account of rights of pasturage, forest-rights, fisheries or the like.

(*g*) Suits for the recovery of any over-payment of rent.

(*h*) Suits by lambardárs for arrears of land-revenue, payable through them by the co-sharers, or for village-expenses or other dues for which the co-sharers may be responsible to the lambardár.

(*i*) Suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses, or for a settlement of accounts.

(*j*) Suits by assignees of land-revenue for arrears of revenue due to them as such.

(*k*) Suits by superior proprietors for arrears of revenue due to them as such.

(*l*) Suits under section 9 of the Specific Relief Act to recover possession of land.

I of 1877.

(*m*) Suits to determine disputes regarding boundaries of land which have been fixed by a Court or Revenue-officer:

Provided that the Local Government may, after consulting the Chief Court, direct that suits of any of these classes arising in any local area shall be heard and determined by the Civil Courts and not by the Revenue Courts, and cancel any such direction.

46. *(1)* A Deputy Commissioner shall have power to try suits of any of the classes mentioned in section 45.

Original jurisdiction of Deputy Commissioner and his subordinates in suits.

(2) An Assistant Commissioner or Tahsíldár shall have power to try suits of such classes mentioned in the second group of the same section, and within such limits as regards value, as may be determined by the Local Government either by including him in a class or grade, or otherwise as it thinks fit.

(3) The Local Government may invest a Náib Tahsíldár with power to try suits of the classes mentioned in section 45, clauses (*f*), (*g*), (*h*), (*i*) and (*k*), when the value does not exceed one hundred rupees.

(4) The powers conferred by this section shall be exercised within such local limits as the Local Government may direct, and in the absence of any such direction throughout the district or tahsíl to which the officer is posted.

47. An appeal shall lie from a decree passed in an original suit of any of the classes mentioned in section 46 as follows, namely:—

Appeals from original decrees.

(*a*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner in a suit of the first group and the value of the suit does not exceed five thousand rupees, or

in a suit of the second group and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner;

(*c*) when the decree is passed by an Assistant Commissioner, Tahsíldár or Náib Tahsíldár—to the Deputy Commissioner:

Provided that—

(1) no appeal shall lie from a decree passed in a suit of the class mentioned in section 45, clause (*l*);

(2) the Local Government may direct that no appeal shall lie from the decree of any Assistant Commissioner or class or grade of Assistant Commissioners designated by it in this behalf in any suit of the classes specified in clauses (*f*) to (*k*), both inclusive, of section 45, unless—

(a) the value of the suit exceeds such sum, not being more than one hundred rupees, as the Local Government may fix in this behalf, or

(b) the decree has decided a question of title to land or to some interest in land as between parties having conflicting claims thereto or as to the amount of some rent or revenue or other payment to which there is a recurring claim or as to the principle on which revenue, profits or village-expenses or other dues should be apportioned.

(3) The Local Government may direct that appeals shall lie from the decrees of an Assistant Commissioner or any class of Assistant Commissioners as if those decrees were passed by a Deputy Commissioner.

The Panjáb Courts Act, 1884.
(Chapter V.—Revenue Courts.—Sections 48-56.)

48. A further appeal shall lie from a decree passed on appeal in a suit of any of the classes mentioned in section 45 on any ground which would be a good ground of appeal if the decree had been passed in an original suit as follows, namely :—

Further appeals from appellate decrees.

(*a*) when the decree is passed by a Commissioner in a suit of the first group and reverses or modifies the original decree —to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*c*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner.

49. Except as provided by the foregoing sections, no appeal shall lie from a decree passed under this chapter.

No appeals except under the foregoing sections.

50. *(1)* The period of limitation for an appeal under section 47 or 48 shall run from the date of the decree appealed against, and shall be as follows, that is to say :—

Limitation of appeals under this chapter.

(*a*) when the appeal lies to the Court of the Deputy Commissioner or of the Commissioner—sixty days;

(*b*) when the appeal lies to the Financial Commissioner—ninety days.

(2) In computing those periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

XV of 1877.

51. *(1)* The Local Government may confer on any person all or any of the powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter, and may withdraw the powers so conferred.

Power to confer powers of Financial Commissioner, Commissioner and Deputy Commissioner.

(2) Any person on whom powers are conferred under this section shall exercise those powers within such local limits and in such classes of cases as the Local Government may direct, and, except as otherwise directed by the Local Government, shall for all purposes connected with the exercise of the same be deemed a Financial Commissioner, Commissioner or Deputy Commissioner, as the case may be.

52. *(1)* The Local Government may, if it thinks fit, appoint a second Financial Commissioner, who shall hold his office during the pleasure of the Local Government.

Appointment of second Financial Commissioner.

(2) When a second Financial Commissioner is appointed, the Local Government may make rules as to the distribution of business between the two Financial Commissioners, and, until such rules are made and subject to such rules, the Financial Commissioner who is senior in respect of his appointment as such may transfer such business as he thinks fit to the other Financial Commissioner for disposal, and may withdraw and himself dispose of any business so transferred and not disposed of.

53. *(1)* The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this chapter for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts.

Procedure of Revenue Courts how to be regulated.

XIV of 88 2.

(2) Until such rules are made, and subject to such rules when made and to the provisions of this Act,—

(*a*) the provisions of the Code of Civil Procedure shall, so far as applicable, apply to all proceedings whether before or after decree in cases under this chapter; and XIV of 1882.

(*b*) the Court of the Financial Commissioner shall, in respect of such cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under its control, all the powers of a High Court under the said Code. XIV of 1882.

54. *(1)* If, in any suit pending before a Revenue Court exercising original appellate or revisional jurisdiction under this chapter, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Revenue Court (if any) to the control of which it is immediately subject, by order in writing, require any party to the suit to institute, within such time as it may fix in this behalf, a suit in the Civil Court with a view to obtaining a decision on the question, and, if he fails to comply with the requisition, may, if it thinks fit, decide the question against him.

Power to refer party to Civil Court.

(2) If he institutes such a suit, the Revenue Court shall dispose of the suit pending before it in accordance with the final decision of the Civil Court of first instance or appeal (as the case may be).

55. *(1)* When a question of the description mentioned in section 617 of the Code of Civil Procedure arises before the Financial Commissioner in the exercise of any of his powers under this chapter, he may refer the question for the decision of the Chief Court in manner prescribed by that section:

Power for Financial Commissioner to refer question to Chief Court.

XIV of 1882.

Provided that he shall not be bound to express any opinion thereon.

(2) On a reference being made under sub-section (1), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the provisions of sections 618, 619 and 620 of the said Code, and the Chief Court may return for amendment the statement received from the Financial Commissioner if it is not sufficient to enable the Court to determine the question referred.

XIV of 1882.

Administrative Control.

56. *(1)* The general superintendence and control over all other Revenue Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Financial Commissioner.

Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.

The Panjáb Courts Act, 1884.
(Chapter VI.—Settlement Courts.—Sections 62-63.)
(Chapter VII.—Supplemental Provisions.—Sections 64-66.)

(2) Subject to the general superintendence and control of the Financial Commissioner, every Commissioner shall control all other Revenue Courts in his division.

(3) Subject as aforesaid and to the control of the Commissioner, every Deputy Commissioner shall control all other Revenue Courts in his district.

57. Every Commissioner and Deputy Commissioner may exercise, as regards the Courts under his control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court.

Power to transfer business.

XIV of 1882.

58. Every Commissioner and Deputy Commissioner may, by written order, direct that any business cognizable under this chapter by his Court and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

59. *(1)* The ministerial officers of the Courts of the Financial Commissioner, Commissioner and Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Judges of those Courts, respectively.

Ministerial officers of Courts.

(2) The ministerial officers of all Courts controlled by a Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Deputy Commissioner.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf; and in dealing with any matter under this section a Commissioner shall act subject to the control of the Financial Commissioner, and a Deputy Commissioner subject to the control of the Commissioner.

60. *(1)* A Commissioner or Deputy Commissioner and the presiding officer of every Court under the control of a Deputy Commissioner may fine, in an amount not exceeding one month's salary, any ministerial officer of his Court for misconduct or neglect in the performance of his duties.

Power to fine ministerial officers.

(2) The Deputy Commissioner, subject to the general control of the Commissioner, may, on appeal or otherwise, reverse or modify any order made under sub-section (1) by the presiding officer of any Court under his control, and may of his own motion fine up to the amount of one month's salary any ministerial officer of any such Court.

61. A Deputy Commissioner may, with the previous sanction of the Local Government, delegate to any Assistant Commissioner in the district the powers conferred on Deputy Commissioners by sections 56, 57, 58 and 59 to be exercised by the Assistant Commissioner in any specified portion of the district subject to the control of the Deputy Commissioner.

Delegation of Deputy Commissioner's powers.

CHAPTER VI.

SETTLEMENT COURTS.

62. *(1)* The Local Government may, by notification in the official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling the settlement with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in the local area.

Power to invest Settlement-officers with powers of Civil or Revenue Courts in certain cases.

(2) The publication of a notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

(3) The Local Government may cancel any such notification.

(4) While the notification continues in force, the powers specified in it shall be exercised by the officers so invested, and not otherwise:

Provided as follows :—

(*a*) the Local Government may, by order published in the official Gazette, direct that any jurisdiction with which any officer has been invested by the notification shall be exercised solely by the Courts by which the jurisdiction would have been exercised if the notification had not been published; and

(*b*) any cases pending before any officer under the notification when it is cancelled may, notwithstanding the cancellation, be disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that those cases shall be transferred for disposal to the Courts by which they would have been disposed of if the notification had not been published.

63 For the purposes of section 62 the Local Government may, notwithstanding anything in this Act, from time to time direct that any of the Courts mentioned in this Act (except the Chief Court and the Court of the Financial Commissioner) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those specified in this Act.

Power to alter subordination of Courts for purposes of section 62.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

64. Except as otherwise provided by this Act, the Local Government may, when it is empowered by this Act to make any appointment or confer any powers, appoint, or confer the powers on any person specially by name or by virtue of his office.

Mode of appointment and conferring powers.

65. All powers conferred by this Act may be exercised, from time to time, as occasion requires.

Powers exercisable from time to time.

66. *(1)* The Local Government may fix the place or places at which any Court under this Act is to be held.

Place of sitting of Courts.

The Panjáb Courts Act, 1884.
(Chapter VII.—Supplemental Provisions.—Sections 67-75. The Schedule.)

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Act may be held at any place within the local limits of its jurisdiction.

Vacations.

67. *(1)* Subject to the approval of the Local Government, the Chief Court shall prepare a list of days to be observed in each year as holidays in the Chief Court and the Civil Courts subordinate thereto, and the Financial Commissioner shall prepare a like list for his Court and the Courts subordinate thereto.

(2) Every such list shall be published in the official Gazette.

Pending proceedings.

68. *(1)* All cases or proceedings pending in the Chief Court on the day when this Act comes into force shall be disposed of as if this Act had not been passed.

(2) All cases or proceedings pending in any Civil Court subordinate to the Chief Court on that day shall be disposed of as if this Act had not been passed:

Provided that the Chief Court may direct that any such cases or proceedings shall be transferred for disposal to any Civil Court established under this Act which would have had jurisdiction if it had been in existence when the cases or proceedings were instituted.

(3) In the case of an appeal pending on the said day, the following shall, for the purposes of sub-section (2), be deemed to be the Court which would have had jurisdiction as aforesaid, namely:—

(*a*) when the value of the suit exceeds five thousand rupees,—the Chief Court;

(*b*) when the appeal is one in a small cause, and is pending before the Deputy Commissioner or an officer invested with the appellate powers of a Deputy Commissioner and the value of the suit does not exceed five hundred rupees,—the District Court;

(*c*) in other cases,—the Divisional Court.

Appeals after Act comes into force against decrees, &c., passed before.

69. Appeals from decrees, orders and decisions passed by Civil Courts and not appealed against before the date on which this Act comes into force shall lie and be disposed of as if this Act had not been passed and not otherwise:

Provided that the Courts to which such appeals shall lie shall be as follows:—

(*a*) when the appeal would before the said date have lain to the Chief Court, or the value of the suit exceeds five thousand rupees,—the Chief Court;

(*b*) in small causes when the value of the suit does not exceed five hundred rupees, and the appeal would before the said date have lain to the Deputy Commissioner, or an officer exercising the appellate powers of a Deputy Commissioner,—the District Court;

(*c*) in other cases,—the Divisional Court.

XIV of 1882.

Modification of section 622 of Civil Procedure Code.

70. Section 622 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read as if the words "illegally or" were omitted, and for the purposes of that section no appeal shall be deemed to lie from the appellate decree of a Divisional Court to the Chief Court when the case does not fall under clause (*a*), clause (*b*) or clause (*c*) of section 40, and an application under clause (*d*) of that section has been refused.

Amendment of the first schedule annexed to the Court-fees Act, 1870.

71. In the first schedule annexed to the Court-fees Act, 1870, after No. 12, the following shall be inserted:— VII of 1870.

NUMBER.		PROPER FEE.
13. Application to the Chief Court or the Court of the Financial Commissioner of the Panjáb for the exercise of its revisional jurisdiction under section 622 of the Code of Civil Procedure.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a memorandum of appeal.

Refund of fee paid on application for revision.

72. If the Court, on an application under section 622 of the Civil Procedure Code, on which a fee has been paid under the last preceding section, sets aside or modifies the decree or order of a Subordinate Court, or remands the case for a fresh decision, it may grant to the applicant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the application, or any smaller amount which, with regard to the circumstances of the case, it may think proper to order to be refunded. XIV of 1882.

Saving of certain appointments, rules and forms, notifications, powers and orders.

73. All appointments made under sections 5 and 22 of Act XVII of 1877, directions given under section 23, rules and forms made and prescribed under sections 19, 26 and 27, and notifications published, powers conferred and orders issued under section 49 of the same Act, shall, so far as may be, be deemed to have been respectively made, given, prescribed, published, conferred and issued under this Act.

Amendment of Act X of 1870, section 3.

74. In the Land Acquisition Act, 1870, section 3, before the words "British Burma," in both places where they occur, the words "the Panjáb" shall be inserted. X of 1870.

Amendment of Act XXVIII of 1868, section 42.

75. In the Panjáb Tenancy Act, 1868, section 42, for the words "and thirty-one" the words "thirty-one and forty" shall be substituted. XXVIII of 1868.

THE SCHEDULE.

ACTS REPEALED.

(See section 2.)

Number and year.	Title of Act.	Extent of repeal.
Act IV of 1869	The Indian Divorce Act.	So much of section 3 as defines "District Judge" in the Panjáb to mean the "Commissioner of a Division."
Act XIV of 1875.	The Panjáb Judicial Administration Act, 1875.	So far as it relates to civil or criminal judicial powers.
Act XVII of 1877.	The Panjáb Courts' Act, 1877.	The whole, except section eighteen.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th October, 1884, and is hereby promulgated for general information:—

ACT No. XIX OF 1884.

THE RANGOON WATER-WORKS ACT, 1884.

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An Act to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town.

WHEREAS a scheme has been settled and to some extent carried out for the construction and maintenance of water-works and the supply of water to the Town of Rangoon by the Municipal Committee for that town;

And whereas it is necessary for the purposes of the scheme that the Royal Lake at Rangoon, and all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, should vest in, and be under the control of, the Municipal Committee for that town;

And whereas it is expedient that powers should be conferred and duties imposed upon the said Municipal Committee with respect to the construction and maintenance of the proposed water-works and the supply of water to the Town of Rangoon, and otherwise in relation thereto, and that all acts already done by the said Municipal Committee which could have been lawfully done if this Act had been in force should be validated;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. *(1)* This Act may be called the Rangoon Water-works Act, 1884; and

Short title and commencement.

(2) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, fix in this behalf.

(3) All acts done before the passing of this Act which could have been lawfully done if this Act had been in force shall be deemed to have been lawfully done.

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

Definitions.

(1) "town" means the local area for the time being comprised within the municipal limits of the Town of Rangoon:

(2) "street" means any street, road, thoroughfare, passage for place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street:

(3) "owner" includes—

(a) the person who is for the time being entitled to the rent of the house or land in respect of which the word is used and who is not liable to pay rent for that house or land to any other person;

(b) an agent of that person; and

(c) a trustee for that person:

(4) "house" includes schools; also factories and other buildings in which persons are employed:

(5) "water-works" includes all lakes, streams, tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things for supplying, or used for supplying, water under this Act to the Town of Rangoon:

(6) "the Committee" means the Municipal Committee for the Town of Rangoon:

(7) "water-rent" includes any rent, reward or payment to be made to the Committee in connection with the supply of water under this Act, but does not include the water-tax leviable under the Burma Municipal Act, 1884: and XVII of 1884.

(8) a "supply of water for domestic purposes" does not include a supply of water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains or for any ornamental purpose.

CHAPTER II.

VESTING OF PROPERTY.

3. There shall vest in, and be under the control of, the Committee, freed and discharged of and from all manner of rights, titles, privileges or claims whatsoever of any other person,—

Vesting of Royal Lake and cisterns, &c., in Committee.

(a) the Royal Lake at Rangoon; and

(b) all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, used or intended to be used for supplying water to the public in the town, and all land, bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto:

Provided as follows:—

(1) Any person may at any time, subject to such rules as the Committee make in this behalf, row, sail or fish on or in the waters of the Royal Lake:

(2) Nothing in this section shall affect the land adjacent to the Royal Lake and known as the Dalhousie Park, but that land shall be preserved as a public park for the use of the public.

The Rangoon Water-works Act, 1884.
(Chapter III.—Construction and Maintenance of Water-works.—Sections 4-7.)
(Chapter IV.—Supply of Water.—Sections 8-13.)

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS.

4. Subject to rules to be made under this Act by the Chief Commissioner, the Committee shall cause such mains and pipes to be laid, and such water-works to be constructed, as may be necessary for the supply of pure and wholesome water sufficient for the use of the inhabitants for domestic purposes in all parts of the town:

Duty of Committee to construct works for supply of water.

Provided that the Chief Commissioner may, by order in writing, from time to time exempt any part of the town from the provisions of this section, and cancel any such exemption.

5. The Committee shall cause such stand-pipes or pumps to be erected, at such intervals as the Chief Commissioner, by rules made under this Act, prescribes, in all the chief streets in those parts of the town in which mains or pipes have been laid under the last foregoing section.

Duty of Committee to erect stand-pipes.

6. The Committee may, for the purpose of constructing or maintaining any water-works for the supply of water to the town, enter upon any land and take levels of the same, and set out such parts thereof as they think necessary, and dig and break up the soil of the land:

Power for Committee to execute works.

Provided that, in the exercise of these powers the Committee shall do as little damage as may be, and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870. X of 1870.

7. The Committee may open and break up the soil and pavement of the streets, and lay down and place pipes, conduits and other works and engines, and, from time to time, repair, alter or remove the same, and do all other acts which the Committee, from time to time, deem necessary for supplying water to the town.

Power for Committee to break up streets.

CHAPTER IV.

SUPPLY OF WATER.

A.—Supply of water for domestic purposes to Occupiers of Houses or Lands.

8. *(1)* Every occupier of a house or land situate in a part of the town not exempted under the proviso to section 4 shall be entitled to have free of further charge, through the communication-pipes constructed as hereinafter provided, a supply to the house or land of fifteen hundred gallons of pure and wholesome water for domestic purposes for every rupee paid to the Committee for water-tax on account of the house or land.

Right of occupier to certain supply of water for domestic purposes.

(2) If the Committee have reason to believe that the occupier of any house or land consumes more water than he is entitled to have free of further charge under this section, they may provide a water-metre at their own expense, and attach it to such part of the communication-pipes as they think fit.

(3) If the occupier consumes any water over and above the quantity to which he is entitled free of further charge under this section, he shall pay for it at the rate of one rupee for every fifteen hundred gallons, or part of fifteen hundred gallons.

9. Every occupier of a house or land who is entitled to a supply of water free of further charge under the last foregoing section shall, subject to the provisions of this Act, be entitled to have communication-pipes laid down from the service-pipes of the Committee, for bringing into his house or land a reasonable supply of water:

Right of occupier paying water-tax to have water brought into his house or land.

Provided that the Committee may cut off the supply of water to any house or land while the house or land is unoccupied.

10. The communication-pipes leading the water from the service-pipes of the Committee into the house or land of any occupier, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material as the Committee fix and approve, and shall be constructed at the expense of the person requiring them.

Construction of communication-pipes.

11. *(1)* Before a connection for the supply of water from the service-pipes of the Committee to any house or land is sanctioned by the Committee, the Committee shall cause all the works, pipes and fittings within the house or land to be inspected by such officer as the Committee appoint in this behalf.

Inspection of works, pipes and fittings before connection with service-pipes.

(2) The cost of an inspection under this section shall be payable in advance by the person applying for the connection, at such rate as the Committee, at a special meeting, from time to time, direct.

(3) Until the officer has certified that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the Committee's service-pipes shall not be permitted.

12. *(1)* The connection with the service-pipes of the Committee, and the laying of communication-pipes under any street, shall be executed by an officer of the Committee authorized in that behalf.

Connection with service-pipes to be executed only by an officer of the Committee.

(2) The expense of making the connection shall be payable in advance by the person applying for the same, at such rate as the Committee, at a special meeting, from time to time, direct.

13. *(1)* The officer authorized in that behalf by the Committee may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land

Power for officer of Committee to enter premises.

The Rangoon Water-works Act, 1884.
(Chapter V.—Reciprocal Rights of Owners and Occupiers to supply of Water to Houses.—Sections 20-21.)

supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain if there is any waste or misuse of the water.

(2) If any such officer at any such time is refused admittance into any such house or land for the purposes aforesaid, or is prevented from making such examination as aforesaid, the Committee may forthwith turn off or cut off the water from the house or land.

Power for Committee to turn off water when pipes are out of repair.

14. If any pipes, works or fittings connected with the supply of water to any house or land are at any time found, on examination by any officer of the Committee authorized in that behalf, to be out of repair to such an extent as to cause any waste of water, the Committee may, after the expiry of twenty-four hours from the service of notice in writing to this effect, cause the water to be turned off or cut off from the house or land, and may recover the expense incurred for turning off or cutting off the water from the occupier of the house or land.

B.—Supply for gratuitous use in Stand-pipes.

Duty of Committee to supply water for gratuitous use in stand-pipes.

15. The Committee shall cause a sufficient quantity of pure and wholesome water to be supplied for the gratuitous use of the inhabitants of the town for domestic purposes in the stand-pipes to be erected by the Committee under section 5.

C.—Supply of water for extinguishing Fires and cleansing Sewers and Streets.

Duty of Committee to fix fire-plugs in mains.

16. The Committee shall fix and renew and keep in effective order such fire-plugs in such of the mains and other pipes laid by them, and shall deposit keys of the fire-plugs at such places, as the Chief Commissioner by rules made under this Act, directs.

Duty of Committee to supply water for cleansing sewers and drains.

17. In all the mains and pipes to which any fire-plug is fixed, the Committee shall provide and keep constantly laid on, unless prevented by unusual drought or other unavoidable accident, a sufficient supply of water for use with fire-engines, for cleansing the sewers and drains, and for cleansing and watering the streets.

D.—Supply of Water for other than domestic purposes.

Supply for other than domestic purposes.

18. *(1)* The Committee may, from time to time, supply any person with water by measurement for other than domestic purposes, for such remuneration and on such terms and conditions as shall be agreed on between the Committee and the person:

Provided that—

(a) notwithstanding any such agreement, a person shall not be entitled to such a supply whenever and as long as the Committee are of opinion that the supply would interfere with the proper supply of water for domestic purposes under this Act; and

(b) the Committee shall not be liable, in the absence of express stipulation under any such agreement, to any forfeiture, penalty or damages for not supplying the water if the want of the supply arises from unusual drought or other unavoidable cause or accident.

(2) When any such agreement has been entered into by the Committee with any person, the Committee may, subject to such charges or rates as may have been fixed by the Committee at a special meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Committee, for supplying the person with water in accordance with the terms of the agreement.

E.—Pressure of Water supplied.

Pressure at which water must be kept.

19. From such a day as the Chief Commissioner, by notification in the local official Gazette, directs in this behalf, the supply of water in the mains and pipes which the Committee are required to lay under this Act shall be laid on at such pressure as the Chief Commissioner, by rules made under this Act, prescribes.

CHAPTER V.

RECIPROCAL RIGHTS OF OWNERS AND OCCUPIERS TO SUPPLY OF WATER TO HOUSES.

Power for occupier of house to require owner to provide works for water-supply.

20. *(1)* Any occupier holding direct from the owner of a house may, by notice in writing signed by him, require the owner of the house to construct all such works as may be necessary for bringing into the house a supply of water for domestic purposes.

(2) Every notice under this section shall contain an undertaking on the part of the occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of the works during the residue of his term of occupation.

(3) If the house, or the land attached thereto, does not abut upon a street in which there is a supply-main, the occupier shall undertake to pay the cost of connecting the house with the nearest supply-main.

Power for occupier to make works in default of owner.

21. *(1)* If the owner does not, within three months from the service of the notice mentioned in the last foregoing section, cause such works as aforesaid to be completed, the occupier may cause the works to be completed, and may by way of additional remedy deduct the cost of the works from the rent payable by him in respect of the house:

Provided that the occupier shall not recover on account of the cost—

(a) a sum exceeding the amount of six months' rent; or

(b) where the house or the land attached thereto does not abut upon a street in which there is a supply-main, the cost of connecting the house with a supply-main.

The Rangoon Water-works Act, 1884.
(Chapter VI.—Rules.—Sections 29-31.)

(2) The deduction which an occupier is authorized to make under this section shall be made by six equal monthly instalments.

(3) Interest on each instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem from the time when it is deducted.

What works are sufficient for supply of water to house.

22. The works shall not be deemed sufficient for bringing into the house a supply of water for domestic purposes unless the following taps, with the necessary works in connection therewith, are provided, namely:—

(a) two taps in the house;

(b) one tap in the cook-room of, or other building attached to, the house, and

(c) one tap in or near the stables or other out-houses belong to the house:

Provided that, if the annual rent of the house with the buildings and land attached thereto is less than three hundred rupees, it shall be sufficient to provide one tap only, together with the necessary works in connection therewith, within the house and the buildings and land attached thereto.

Estimate and specification of works to be sent.

23. Works for introducing a supply of water to a house shall not be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such a specification and estimate to the owner.

Power to refer to Committee.

24. If there is any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer the difference to the Committee, and the written award of any officer authorized by the Committee in this behalf shall be final and binding on the owner and the occupier.

Fee on reference.

25. There shall be payable by the person making a reference to the Committee under the last foregoing section a fee (not exceeding ten rupees) at the rate of two rupees for every hundred rupees of the monthly rent of the house in respect of the water-supply to which the difference has arisen.

Duty of owner to keep works in repair.

26. *(1)* The owner of any house or land shall keep all works connected with the supply of water to the house or land in substantial repair.

(2) If the owner fails to put any such works in substantial repair after being requested by the occupier to do so, the occupier may cause the necessary repairs to be made, and may by way of additional remedy deduct the cost of the repairs from the rent payable by him in respect of the house or land.

Power for owner to recover sums payable by occupier.

27. Any owner to whom any sum is payable under section 20 or section 21 may recover the sum from the person liable to pay it as if it were rent payable by that person for the house in respect of which the expenses have been incurred.

Saving of contracts between owners and occupiers.

28. Nothing in this chapter shall affect any contract in writing between the owner and occupier of any house or land.

CHAPTER VI.

RULES.

Power for Chief Commissioner to make rules.

29. The Chief Commissioner may, from time to time, make rules consistent with this Act—

(a) to prescribe the size and nature of the mains and pipes to be laid and the water-works to be constructed by the Committee for the supply of water under this Act;

(b) to prescribe the size and nature of the stand-pipes or pumps to be erected by the Committee under this Act, and the intervals at which they must be erected;

(c) to prescribe the mains or pipes in which fire-plugs are to be fixed, and the places at which keys of the fire-plugs are to be deposited, by the Committee under this Act;

(d) to prescribe the pressure at which the water supplied by the Committee under this Act is to be laid on either generally or at specified times; and

(e) generally to define and regulate the powers and duties of the Committee under this Act.

Power for Committee to make rules.

30. *(1)* The Committee may, from time to time, at a special meeting, make rules consistent with this Act—

(a) for regulating rowing, sailing and fishing on or in the Royal Lake; and

(b) for preventing the waste or misuse of water supplied by them, and for defining the nature of the pipes, casks, cisterns and other apparatus to be used by every person supplied by them with water.

(2) In making a rule under this section the Committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues.

(3) If any person, having or requiring a supply of water from the Committee, fails to comply with any rules made under clause *(b)* of this section, the Committee may refuse to supply water to him, and may cut off the water supplied to him, unless and until the rules are complied with:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Procedure for making rules.

31. *(1)* The Chief Commissioner or Committee shall, before making any rules under section 29 or section 30, publish a draft of the proposed rules for the information of persons interested.

(2) The publication shall be made—

(a) in the case of rules under section 29, in such manner as in the opinion of the Chief Commissioner is sufficient; and

The Rangoon Water-works Act, 1884.
(Chapter VII.—Arrears and Offences.—Sections 33-38.)

(*b*) in the case of rules under section 30, in such manner as the Chief Commissioner, by order, directs.

(*3*) A notice shall be published with the draft rules specifying a date at or after which the draft shall be taken into consideration.

(*4*) The Chief Commissioner or Committee shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

Publication of rules.

32. Every rule made under section 29 or section 30 shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and such publication shall be conclusive evidence that the rule has been made as required by section 31.

CHAPTER VII.

ARREARS AND OFFENCES.

Arrears of water-rents.

33. All arrears of water-rents under this Act may be recovered, on application to such Revenue-officer as the Local Government may appoint in this behalf, as if they were arrears of land-revenue.

Power for Committee to turn off water on neglect to pay water-tax or water-rent.

34. If any person supplied with water neglects to pay—

(*a*) the water-tax leviable under the Burma Municipal Act, 1884, or

XVII of 1884.

(*b*) any water-rent payable by him to the Committee,

the Committee may turn off or cut off the water from the house or land in respect of which the water-tax or water-rent is payable, by cutting off the pipe to the house or land, or by such other means as the Committee think fit, and may recover in manner provided by the last foregoing section the expense of turning off or cutting off the water from the person:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Penalty for obstructing, diverting or wasting water.

35. If any person unlawfully obstructs the flow of, flushes, draws off, diverts or takes, water from any water-works belonging to, or under the management or control of, the Committee, or from any water or streams by which these water-works are supplied, or wastes any water supplied to him under this Act, he shall be punished with fine which may extend to one hundred rupees.

Penalty for unauthorized application of water.

36. If any person—

(*a*) uses for other than domestic purposes any water supplied under this Act for domestic purposes; or

(*b*) where water is supplied under section 18 for a specified purpose, uses that water for any other purpose,

he shall be punished with fine which may extend to fifty rupees, without prejudice to the right of the Committee to recover from him the price of the water misused.

Penalties for causing the water of the Committee to be fouled, &c.

37. *(1)* If any person—

(*a*) bathes in, at or upon any water-works, or washes, throws or causes to enter therein any dog or other animal, or

(*b*) throws any rubbish, dirt, filth or other noisome thing into any water-works, or washes or cleanses therein any cloth, wool, leather or skin of any animal, or any clothes or other thing, or

(*c*) causes the water of any sink, sewer or drain, or of any steam-engine or boiler, or any other filthy water belonging to him or under his control, to turn or be brought into any water-works, or does any other act whereby the water in any water-works is fouled, or likely to be fouled,

he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and to ten rupees in addition for each day (if more than one) during which the offence continues.

Prosecutions.

38. Prosecutions under this Act or the rules made under this Act may be instituted by the Committee or any person authorized by them in this behalf, and not otherwise.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th October, 1884, and is hereby promulgated for General information:—

ACT No. XX OF 1884.

An Act to amend the Indian Salt Act, 1882.

WHEREAS it is expedient to exclude the Province of Sindh from the operation of those portions of the Indian Salt Act, 1882, which do not extend by their own operation to the whole of British India; It is hereby enacted as follows:— XII of 1882.

Repeal of words "to the Province of Sindh" and "Province" in section 1 of Act XII of 1882.

1. From such day as the Governor of Bombay in Council, by notification in the official Gazette, fixes in this behalf, the words "to the Province of Sindh" and the word "Province," in paragraphs three and four respectively of section 1 of the Indian Salt Act, 1882, shall be repealed.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 18, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1884, and is hereby promulgated for general information :—

ACT No. XVI OF 1884.

An Act to provide more effectually for the suppression of certain forms of Gaming in British Burma.

WHEREAS it is expedient to provide more effectually for the suppression of certain forms of gaming in British Burma; It is hereby enacted as follows :—

Short title, extent and commencement.

1. *(1)* This Act may be called the Burma Gaming Act, 1884.

(2) It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force at once.

Application of Act III of 1867 to game of *ti* and like games.

2. *(1)* Taking part in the game of "*ti*," or in any other game or pretended game of a like nature, shall be deemed gaming and playing within the meaning of Act III of 1867.

(2) Every house, walled enclosure, room or place, whether public or private, where any such game or pretended game is carried on, shall, for the purposes of that Act, be deemed a common gaming-house, and all expressions referring to the use of any such house, enclosure, room or place as a common gaming-house shall include the use thereof for any such game or pretended game on a single occasion.

(3) All boxes, receptacles, lists, papers, tickets and forms used for the purpose of any such game or pretended game shall be deemed instruments of gaming within the meaning of the said Act.

Penalty on conducting game of *ti* and like games.

3. Whoever conducts or assists in conducting the game of "*ti*," or any other game or pretended game of a like nature, as manager, stakeholder or *daing*, or who is according to the rules of the game or pretended game entitled to receive the surplus proceeds, or any part of the surplus proceeds, of the stakes, after deducting the amount payable to the successful player or players, or who promotes the game or pretended game by soliciting or collecting stakes or otherwise, shall be punished with imprisonment for a term which may for a first offence extend to six months, and for a subsequent offence to two years, or with fine, or with both.

Power to extend local application of Act III of 1867 within British Burma.

4. *(1)* The Chief Commissioner may, from time to time, by notification published in the official Gazette, extend to the whole or any part of the territories for the time being under his administration any such of the provisions of Act III of 1867 as do not for the time being extend thereto.

(2) From the date of any such extension so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with or repugnant to any provision so extended shall cease to have effect in those territories.

Power to invest 2nd class Magistrate with powers under Act III of 1867, section 5.

5. The Local Government may authorize any Magistrate of the second class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the District.

Amendment of Act III of 1867, section 13.

6. In section 13 of Act III of 1867—

(*a*) for the words "public street, place or thoroughfare," where they first occur, the words "street or thoroughfare or place to which the public have access" shall be substituted; and

(*b*) in the last clause, for the words "such public place" the words "such place" shall be substituted.

Power to arrest without warrant.

7. A police-officer may arrest without warrant any person soliciting or collecting stakes for the game of *ti*, or any other game or pretended game of a like nature, in any street or thoroughfare or place to which the public have access.

Power to demand security.

8. Whenever a District Magistrate, Sub-divisional Magistrate or, when he is specially empowered in this behalf by the Local Government, a Magistrate of the first class receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by carrying on, or assisting in carrying on, the game of *ti*, or any other game or pretended game of a like nature, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code of Criminal Procedure; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise. X of 1882.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1884, and is hereby promulgated for General information:—

ACT NO. XVII OF 1884.

THE BURMA MUNICIPAL ACT, 1884.

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An Act to amend the law relating to Municipalities in British Burma.

WHEREAS it is expedient to amend the law relating to Municipalities in British Burma; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. *(1)* This Act may be called the Burma Municipal Act, 1884.

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

(3) It shall come into force on such date as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

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

"municipality" means a local area declared under Chapter II to be a municipality;

"inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any local area which is declared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act; and

"street" means any street, road, thoroughfare, passage or place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street.

Burma Municipal Act, 1884.
(Chapter II.—Constitution of Municipalities.—Sections 3-5.)
(Chapter III.—Organization of Municipal Committees.—Sections 6-9.)

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

Proposal to create municipality.

3. *(1)* The Local Government may, by notification published in the official Gazette and in such other manner as the Local Government may determine, propose to declare any town, or any group of towns in the immediate neighbourhood of one another, a municipality under this Act.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

Creation of municipality.

4. *(1)* Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired and the Local Government has considered the objections (if any) which have been submitted under sub-section (*1*), the Local Government may, by a notification in the official Gazette, declare the local area to be a municipality under this Act.

Application of Act to existing municipalities.

5. *(1)* The Local Government may, by notification in the official Gazette, declare any local area which is a municipality established

VII of 1874. under the British Burma Municipal Act, 1874, to be a municipality under this Act, and shall, within three months from the date on which this Act comes into force, so declare every such local area, unless, before the expiration of that period,—

(*a*) that local area is comprised in some local area declared to be a municipality under section 4; or

(*b*) the Local Government has declared, by a notification in the official Gazette, that the provisions of this Act are unsuited to that local area.

(2) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members and the president and vice-president of the committee for that local area appointed *ex officio*, by nomination and by election under the said British Burma Municipal

VII of 1874. Act, 1874, and then in office, shall, on and from a day fixed by the notification, be deemed respectively to have been appointed by virtue of an office and by name and elected under this Act as members, president and vice-president of a municipal committee for the local area, and shall hold office as such members, president and vice-president for such term as may be fixed by the notification.

CHAPTER III.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality, and consisting of—

(*a*) so many inhabitants of the municipality as may be determined by the Local Government elected in manner next hereinafter prescribed to represent wards of the municipality or particular classes of the inhabitants; and

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Local Government may appoint by name or by virtue of an office in this behalf:

Provided that—

(1) when the circumstances of the municipality are, in the opinion of the Local Government, such as to require it, the Local Government may appoint a larger proportion of, or all, the members of the committee; and

(2) when any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Power to Local Government to make rules regarding election.

7. *(1)* The Local Government shall, for every municipality in which a system of election is introduced, make rules regulating the following matters, namely:—

(*a*) the division of the municipality into wards, or of the inhabitants into classes, or both;

(*b*) the number of representatives proper for each ward or class;

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2) The Local Government may, after the municipal committee has come into existence as herein, after provided, amend, after consulting the committee, the rules made under this section; but any amendment made under this sub-section shall not take effect until six months after it has been published in the official Gazette.

(3) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

Term of office of members.

8. *(1)* A member of a municipal committee, when appointed by virtue of an office, shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(2) The term of office of all other elected and appointed members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation of member of committee.

9. A member of a municipal committee may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 10-18.)

Removal of member.

10. *(1)* The Local Government may remove any member of a municipal committee who ceases to be an inhabitant of the municipality, or refuses to act, or becomes in the opinion of the Local Government incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the committee.

(2) A person removed under this section on any ground except that first mentioned shall be disqualified for election until the Local Government otherwise directs.

Filling of casual vacancies.

11. *(1)* When the place of an elected member of a municipal committee becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected in manner prescribed under section 7 to fill the place.

(2) When the place of a member of a municipal committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be again elected or appointed.

Incorporation of municipal committee.

12. Every municipal committee shall be a body corporate by the name of the municipal committee of its municipality, shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name:

Provided that a committee shall not transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government.

Time for committees coming into existence.

13. A municipal committee shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf:

Provided that a committee constituted under section 5, sub-section (2), shall come into existence on the day fixed under that sub-section.

Consequences of establishment of municipal committee where municipal committee under Act VII of 1874 exists.

14. When a municipal committee comes into existence under section 13 for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area which is a municipality under the British Burma Municipal Act, 1874, the following consequences shall ensue, namely:—

(*a*) the said Act shall cease to apply to the local area;

(*b*) the municipal committee (if any) constituted under that Act for the local area (hereinafter called the old committee) shall cease to exist;

(*c*) all property vested in the old committee shall for the purposes of this Act vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(*d*) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Act had not been passed;

(*e*) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee and shall not be dismissed from that employment without the sanction of the Local Government; and

(*f*) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

Member of municipal committee to be municipal commissioner.

15. Every member of a municipal committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

President and Vice-president.

Election of president and vice-president.

16. A municipal committee shall, from time to time, at a special meeting, elect one of its members to be president, and may, from time to time, at a like meeting, elect another of its members to be vice-president:

Provided that in such municipalities, if any, as the Local Government may, by notification in the official Gazette, exempt from the operation of this section, the president shall, until the notification is rescinded by a like notification, be appointed by the Local Government from among the members of the committee.

Term of office of president and vice-president.

17. *(1)* The term of office of a president or vice-president shall be one year, and on the expiration of that period he may be again elected or appointed.

(2) Nothing in this section shall affect section 5, sub-section (2).

Casual vacancies in office of president or vice-president.

18. *(1)* If a president elected by a municipal committee or a vice-president dies, ceases to be a member of the committee or resigns his office, the committee shall, at a special meeting, elect another of its members to be president or vice-president.

(2) If a president appointed by the Local Government dies, ceases to be a member of the committee or resigns his office, the Local Government shall appoint another president.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 19-28.)

until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments and Removals.

19. All elections and appointments of presidents and vice-presidents, and all elections, appointments and removals of members, of municipal committees, shall be notified in the local official Gazette, and no such election or appointment shall take effect until it is so notified.

Notification of appointments, &c.

Conduct of Business.

20. *(1)* A municipal committee shall meet for the transaction of business at least once in every month, at such time as may, from time to time, be fixed by the rules made under section 27.

Time for holding meetings.

(2) The president, or, in his absence, the vice-president, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth or two of the members of the committee, convene an ordinary or a special meeting at any other time.

21. *(1)* A meeting of a municipal committee shall be either ordinary or special.

Ordinary and special meetings.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

22. *(1)* The quorum necessary for the transaction of business at a special meeting of a municipal committee shall be one-half of the whole committee:

Quorum.

Provided that, when the committee consists of less than six members, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a municipal committee shall be such number, not less than three, as may, from time to time, be fixed by the rules made under section 27:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted by the adjourned meeting whether there is a quorum present thereat or not.

23. *(1)* At every meeting of a municipal committee the president, if present, shall preside as chairman.

Chairman of meeting.

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting and the vice-president is present, he shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

24. *(1)* Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before any meeting of a municipal committee shall be decided by a majority of the votes of the members present.

Vote of majority decisive.

(2) In case of an equality of votes, the chairman at the meeting shall have a second or casting vote.

25. Every resolution passed by a municipal committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be open to inspection by the public at the municipal office at all reasonable times without charge, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may direct.

Resolutions to be recorded and published.

26. The discussions and proceedings of a municipal committee shall be conducted and recorded either in English or in Burmese, as the committee at a special meeting may, from time to time, decide:

Language of committee.

Provided that, if the discussions and proceedings are conducted and recorded in English, the committee shall provide for interpreting and translating them into Burmese for the benefit of members who do not understand English.

27. *(1)* A municipal committee may, from time to time, at a special meeting, make rules consistent with this Act as to—

Power to make rules as to conduct of business.

(*a*) the time and place of its meetings;

(*b*) the manner in which notice thereof is to be given;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings, and the adjournment of meetings;

(*e*) the person or persons to be primarily responsible for the current executive administration and their powers; that is to say, what portion of the executive authority shall be exercised by the president, by the vice-president, by sub-committees, by individual members and by officers or servants of the committee;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money paid under this Act; and

(*g*) any other similar matters.

(2) A rule made under clause *(e)* shall not take effect until it has been confirmed by the Local Government, and no rule made under this section shall take effect until it has been published in such manner as the Local Government may direct.

28. In cases of emergency the president, or in his absence the vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Extraordinary powers of president and vice-president in case of emergency.

Provided that—

(*a*) he shall not act under this section in contravention of any order of the committee passed at a meeting; and

(*b*) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 29-38.)

Joint Committees.

29. A municipal committee may, from time to time, concur with any other municipal committee or cantonment authority, or with more than one such committee or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which it is appointed.

Joint committee of two or more committees or cantonment authorities.

Defects in Constitution and Irregularities.

30. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a municipal committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

Officers and Servants.

31. *(1)* A municipal committee shall, from time to time, at a special meeting, appoint one of its members or some other person to be its secretary, and may at a like meeting remove any person so appointed.

Appointment of secretary.

(2) If a secretary is a member of the committee, he shall receive no remuneration in respect of his services. If he is not a member of the committee, the committee may, with the previous sanction of the Commissioner, assign to him any such pay as it thinks fit.

32. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal committee may appoint and remove, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to those officers and servants such pay as it thinks fit.

Employment of other officers and servants.

33. If, in the opinion of the Commissioner, the number of persons employed by a municipal committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Power to prevent extravagance in establishments.

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

34. In the case of a Government official, a municipal committee may—

Pensions of Government officials serving the committee.

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

35. In the case of an officer or servant not being a Government official referred to in section 34, a municipal committee may—

Pensions of other officers and servants.

(1) grant him leave-allowances and, if he is employed under the committee appointed under the British Burma Municipal Act, 1874, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and VII of 1874.

(2) if empowered in this behalf by the Local Government—

(*a*) subscribe in his behalf for pension or gratuity under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the servant would be entitled if the service had been service under Government.

Contracts and Transfers of Property.

36. *(1)* When a contract made by or on behalf of a municipal committee exceeds in value or amount one hundred rupees, it must be in writing, and must be signed by the president or vice-president and at least one other member of the committee.

Mode of executing contracts and transfers.

(2) A transfer of immoveable property belonging to the committee must be made by an instrument in writing, executed by the president or vice-president and by at least two other members of the committee.

(3) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the committee.

37. *(1)* If any member, officer or servant of a municipal committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code. XLV of 1860.

Penalty on member, officer or servant of committee being interested in contract made with committee.

(2) A person shall not, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Acquisition of land.

38. Where any land, whether within or without the limits of a municipality, is required by a municipal committee for the purposes of this Act or for any other object which it is em-

Acquisition of land under Act X of 1870.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 39-40.)
(Chapter IV.—Taxation.—Sections 41-43.)

powered to carry out under any other enactment for the time being in force, the Local Government may, at the request of the municipal committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee.

Privileges and Liabilities.

Suits against committee and its officers.

39. No suit shall be instituted against a municipal committee or against an officer of any such committee in respect of an act purporting to be done by him in his official capacity until the expiration of one month next after notice in writing has been, in the case of a committee, delivered to or left at its office, and in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Liability for loss, waste or misapplication.

40. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a municipal committee, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee, and a suit for compensation may be instituted against him by the committee or by the Secretary of State for India in Council.

CHAPTER IV.
TAXATION.
General Provisions.

Taxes which may be imposed for general purposes of Act.

41. *(1)* Subject to any general rules or special orders which the Governor General in Council may make in this behalf, a municipal committee may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 45, any of the following taxes, namely:—

(A) with the previous sanction of the Local Government—

(a) a tax on buildings and lands situate within the municipality or any part thereof, not exceeding five per centum of the annual value of the buildings and lands;

(b) a tax on lands covered by buildings and situate as aforesaid, at a rate not exceeding one pie per square foot per annum;

(c) a tax on houses situate as aforesaid, according to the number of posts in each, at rates not exceeding the following, namely:—

For a house having not more than 2 posts	Rs. A. ... 0 8	per annum.
For a house having 3 posts	... 1 8	„
For a house having 4 posts	... 2 8	„
For a house having 5 posts	... 4 0	„
For a house having 6 posts	... 7 0	„
For a house having 7 posts	... 10 0	„

and when a house has more than seven posts, four rupees eight annas additional per annum for each post above seven;

(d) a tax on vehicles, boats and animals used for driving, riding, draught or burden, and dogs, kept within the municipality or any part thereof;

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided as follows:—

(e) only one of the taxes mentioned in clauses *(a)*, *(b)* and *(c)* shall be imposed in respect of the same property; and

(f) in assessing a house to the tax mentioned in clause *(c)*, only posts facing a road or street shall be counted, except in the case of bázárs or large buildings extending through from street to street, in which case the posts contained in one row from street to street, instead of those facing streets, may, in the discretion of the assessing authority, be counted.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished;

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption, would have been leviable.

Water-tax.

42. *(1)* Besides the taxes imposed under section 41, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of such works, impose in manner prescribed by section 45, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, together with the estimated income from payments for water supplied from the works under special contracts or otherwise, should not exceed the amount required for the said purpose.

Lighting-tax.

43. Besides the taxes imposed under the foregoing sections, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of lighting the public streets throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for lighting those streets, impose, in manner prescribed by section 45, a tax, to be called the lighting-tax, upon buildings and lands situate

Burma Municipal Act, 1884.
(Chapter IV.—Taxation.—Sections 44-51.)

within the municipality or that part thereof, as the case may be:

Provided that in fixing the rate or amount of the tax regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

Scavenging-tax.

44. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, impose, in manner prescribed by section 45, upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Procedure in imposing such taxes.

45. *(1)* A municipal committee may resolve, at a special meeting, to propose the imposition of any tax under section 41, 42, 43 or 44.

(2) When a resolution has been passed under sub-section (1), the committee shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax and objecting to the same may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no objection is received within the said period of thirty days, or if the objections received, having been considered as aforesaid, are deemed insufficient, the committee may submit its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid and its decision thereon.

(5) The Local Government, on receiving such proposals may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction the same, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal committee in respect of a tax have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(a) no tax shall come into force until it has been notified;

(b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(c) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish or reduce tax.

46. A municipal committee may, at a special meeting, with the sanction of the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to Local Government to suspend levy of tax.

47. *(1)* If it at any time appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the municipal committee to take, within a specified period, measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may, by notification, suspend the levy of the tax or of any part thereof until the objection has been removed.

(2) The Local Government may at any time by a like notification, rescind any such suspension.

Power to make rules for assessment, collection and remission of taxes.

48. *(1)* The Local Government may make rules for the assessment, collection and remission of taxes leviable under this Act and preventing evasion of the same:

Provided that every such rule shall be consistent with the provisions of this Act and with the proposals sanctioned in respect of the tax under section 15.

(2) In making any rule under this section the Local Government may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

Taxes not invalid for defect of form.

49. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of the tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes leviable under Act VII of 1871 to be deemed to be taxes under this Act.

50. All taxes leviable in any local area under the British Burma Municipal Act, 1874, at the time when a municipal committee having authority over that local area comes into existence under this Act, shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act. VII of 1874.

Taxes on Immoveable Property.

Preparation of assessment-list.

51. (*1*) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

Burma Municipal Act, 1884.
(Chapter IV.—Taxation.—Sections 52-59.)
(Chapter V.—Funds and Property.—Section 60.)

(a) the name of the street or division in which the property is situate;

(b) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual value, area or number of posts on which the property is assessed; and

(e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of the measurements or number of posts or of the rent or annual value.

Publication of notice of assessments.

52. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

53. *(1)* The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

Settlement of list.

54. *(1)* After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

55. *(1)* The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently assessed through mistake, oversight or fraud, after giving notice to any person interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

New list need not be prepared every year.

56. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the assessment for the year following, giving the same notice of the assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

57. When a tax payable under section 41, clause *(a)*, *(b)* or *(c)*, or under section 42, 43 or 44, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

Taxes under section 41, clauses *(a)*, *(b)* and *(c)*, from whom due.

58. Every tax payable under section 41, clause *(a)*, *(b)* or *(c)*, shall be due jointly and severally from all persons who have been in occupation of the building or land assessed at any time during the year of assessment, or, when the tax is payable by instalments, at any time during the period in respect of which the instalment is payable, and from all persons who have held under them as tenants, mortgagees or conditional vendees.

Tax under sections 42, 43 and 44 payable by occupier.

59. Every tax leviable under section 42, 43 or 44 shall be payable by the occupier of the building or land in respect of which it is payable.

CHAPTER V.

FUNDS AND PROPERTY.

Municipal fund constituted.

60. There shall be formed for each municipality a municipal fund, and there shall, except as by this Act provided, be credited thereto—

(a) all sums received by or on behalf of the committee under this Act or otherwise;

(b) all fines realized in cases in which prosecutions are instituted under this Act or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality;

(c) any sums which the Local Government may annually assign, as it is hereby empowered to do, to the municipal fund from the port fund of any port abutting on or within the municipality as being in its opinion a just and reasonable contribution towards the expenditure rendered necessary by the resort to the municipality of seamen from ships lying in the port; and

(d) when there has been included within the municipality a municipality constituted under the British Burma Municipal Act, 1874, the balance (if any) standing at the credit of the funds of that municipality at the time when the municipal committee came into existence.

VII of 1874.

Burma Municipal Act, 1884.
(Chapter V.—Funds and Property.—Sections 61-64.)

Application of fund.

61. *(1)* The committee shall set apart and apply annually out of the municipal fund—

(a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(b) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 34 and 35,

(c) thirdly, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely:—

(a) the construction, maintenance, improvement, cleansing and repair of streets, and of public bridges, embankments, drains, latrines, tanks and water-courses;

(b) the watering and lighting of the streets or any of them;

(c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, zayáts, wharves, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions;

(e) the training of teachers and the establishment of scholarships;

(f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity:

(g) the supply, storage and preservation from pollution of water for the use of men or animals;

(h) the planting and preservation of trees;

(i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(j) the holding of fairs and industrial exhibitions; and

(k) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

School fund.

62. *(1)* There shall be formed for each municipality a school fund. To this fund shall be credited—

(a) the fees levied in schools maintained at the cost of the school fund;

(b) any assignment that may be made to the school fund from provincial funds or from any district or local fund;

(c) any other funds or income that may be entrusted to the municipality for the promotion of education; and

(d) any sums assigned for educational purposes from the municipal fund.

(2) The Local Government may fix for any municipality the minimum proportion of the municipal fund that shall be yearly assigned to the school fund under clause *(d)*: Provided that the minimum so fixed shall not exceed 5 per cent. on the gross annual income of the municipality.

(3) No expenditure, except expenditure for the promotion of education, shall be charged against the school fund. In case of doubt the Commissioner shall decide whether any expenditure is or is not for the promotion of education.

Custody of, and disbursements from, funds.

63. *(1)* The balances standing to the credit of the municipal fund and school fund shall, if there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over situate within the municipality, be kept in that treasury, sub-treasury or bank. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury or bank as aforesaid, and such money as may be required for current expenditure shall be kept by the committee in a strong box in such place and under such precautions as the committee may, from time to time, direct.

(2) No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the committee.

Investment of same.

64. *(1)* A municipal committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund or school fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of the like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund or school fund, as the case may be.

Burma Municipal Act, 1884.
(Chapter V.—Funds and Property.—Sections 65-67.)
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 68-74.)

65. Subject to any special reservation made by the Local Government, all property in a municipality of the nature hereinafter specified shall be vested in and belong to the municipal committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

Property vested in municipality.

(*a*) all public townhalls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of municipal funds;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes and other waterworks, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and watercourses in, alongside or under any street, and all works, materials and things appertaining thereto;

(*d*) all dust, dirt, dung, ashes, refuse, animal-matter or filth, or rubbish of any kind, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere;

(*e*) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) all land or other property transferred to the committee by the Government or by gift or otherwise for local public purposes and

(*g*) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

66. (*1*) The management, control and administration of every public institution maintained out of municipal funds shall vest in the committee:

Management of public institutions.

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(*2*) When any public institution is placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

67. The committee may, with the sanction of Local Government, transfer to Her Majesty any property vesting in the committee under section 65 or section 66, but not so as to affect any trusts or public rights subject to which the property is held.

Transfer to Crown of property vesting in committee.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

68. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to acquire land for building-sites adjoining new streets.

69. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Power to close streets.

70. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to permit temporary occupation of streets, &c.

71. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Power to attach brackets for lamps.

72. (*1*) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

Names of streets and numbers of buildings.

(*2*) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be pupishable with fine which may extend to twenty rupees.

73. The committee at a meeting may direct that, within certain limits, to be fixed by it, the external roofs and walls of huts or other buildings shall not be made or renewed of bamboos, grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Roofs and external walls not to be made of inflammable materials.

74. (*1*) If any building or part of a building projects beyond the regular line of a public street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the public street and shall vest in the committee:

Power to regulate line of buildings.

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 75-80.)

(*2*) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

75. (*1*) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

Notice of new buildings.

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(*2*) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions or alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

76. (*1*) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

Removal of projections and obstructions.

(*2*) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(*3*) The committee may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

77. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Bathing and washing places.

Deposit of Offensive Matter and Slaughter-places.

78. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Removal and deposit of offensive matter.

79. (*1*) The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

Places for slaughter of animals.

(*2*) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(*3*) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(*4*) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

80. (*1*) The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Powers in respect of burial and burning places.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 81-89.)

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

Removal of corpses.

81. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable materials.

82. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting bamboos, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools.

83. *(1)* The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies and cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power to enter and inspect buildings, &c.

84. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on buildings or land.

85. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation.

86. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act and which has not been so taxed.

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

87. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Power of entry for purpose of scavenging.

88. *(1)* The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

(2) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions to be observed in entering dwelling.

89. When any building, used as a human dwelling, is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 90-101.)

Water-pipes, Privies and Drains.

Troughs and pipes for rain-water.

90. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

Provision of privies, &c.

91. *(1)* The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

Repair, alteration and closing of drains, privies and cesspools.

92. *(1)* The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool, belonging thereto.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

Unauthorised buildings over drains, &c.

93. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, watercourse or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, &c., near any source of water-supply.

94. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Power to require drainage, &c., of unwholesome tanks, &c.

95. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, &c., to be secured.

96. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

97. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee consider necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in unsanitary Condition.

Power to require owner to clear away noxious vegetation.

98. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to trim hedges and trees bordering on streets, wells, &c.

99. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Cleansing of filthy buildings or land.

100. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power to prohibit use for human habitation of buildings unfit for such use.

101. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 102-106.)

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

102. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Cultivation, use of manure or irrigation injurious to health, after prohibition.

103. *(1)* The committee, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the municipality is injurious to the health of persons dwelling in the neighbourhood, may, with the previous sanction of the Local Government, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section *(1)*, he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

Regulation of offensive and dangerous trades.

104. *(1)* The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

melting tallow;

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing-house or tannery; or,

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may impose such conditions in respect of such license as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to prohibit such trades.

105. *(1)* If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

Power to make rules.

106. A committee may, from time to time, at a special meeting, make rules—

(a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(c) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(d) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 107-112.)

(e) for the inspection and proper regulation of encamping-grounds, pounds, zayáts, wharves not within the limits of any port, markets and slaughter-houses;

(f) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(g) for controlling and regulating the use and management of burial and burning grounds;

(h) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use; and

(i) for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses *(a)* and *(b)* in respect of any vehicles to which that Act applies.

XIV of 1879.

Penalty for infringement of rules.

107. In making any rule under section 106 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of, or in addition to, such fine the Magistrate may require the offender to remedy the mischief so far as within his power.

Confirmation of rules.

108. No rule made under section 106 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Supplemental.

Execution of acts required to be done by any notice.

109. *(1)* When any notice under this chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

110. *(1)* Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner.

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

111. *(1)* The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

X of 1870.

Appeals against certain orders of committee.

112. *(1)* Any person aggrieved by any order made by a committee under the powers vested in it by sections 80, 101 or 105 may appeal within thirty days from the date thereof to the Commissioner or to the Deputy Commissioner as the Local Government may prescribe in this behalf; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

Burma Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 113-126.)

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

113. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Throwing corpse or carcass into river, &c.

114. Whoever throws or causes to be thrown any corpse or carcass or any part thereof into any river, stream, well, lake, canal, tank or any other such place shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

115. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Non-removal of filth, &c.

116. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any carcass, dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

117. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

118. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 94, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals in disregard of orders.

119. Whoever keeps any swine, buffaloes, cows, oxen, sheep or goats in disregard of any orders which the committee may give to prevent them from becoming a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

120. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

121. Whoever drives any vehicle after dark in any public street or thoroughfare unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

122. Whoever discharges fire-arms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

123. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place, shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

124. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building

125. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Penalty on exposure of infected persons and things.

126. Any person who—

(1) while suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor or driver thereof that he is so suffering; or,

(2) being in charge of any person so suffering, so exposes the sufferer; or

(3) gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding fifty rupees; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the Court to pay the expense of disinfecting

Burma Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 127-132.)
(Chapter VIII.—Control.—Sections 133-134.)

the amount of any loss and expense they may incur in carrying into effect any measures requisite for disinfection of the conveyance:

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

127. Every owner or driver of a public conveyance shall immediately provide for the disinfection of the conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder, and if he fails to do so he shall be liable to a penalty not exceeding fifty rupees; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Picketing animals and collecting carts.

128. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Keeping corpses or carrying corpses by prohibited routes or so as to cause annoyance.

129. Whoever, without the permission of the committee, keeps a corpse or causes it to be kept in or on any building or land when seventy-two hours after death have elapsed, or carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

130. Whoever, in any public place, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post or fence, or injures any tree, or extinguishes any light shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience to orders of committee under last chapter.

131. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Prosecution to be suspended in certain cases.

132. Any prosecution for an offence under section 80, or section 105, or under section 131, when the order which has been disobeyed is appealable, shall be suspended, when the Magistrate learns that an appeal has been instituted, pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

133. The Commissioner or the Deputy Commissioner may—

(a) enter on and inspect, or cause to be entered on and inspected, any immoveable property situate within the limits of his division or district respectively and occupied by any municipal committee or joint committee, or any work which is in progress within those limits under the direction of any such committee or joint committee;

(b) call for and inspect any book or document in the possession or under the control of any such committee or joint committee having authority within those limits;

(c) require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee or joint committee, as he may think fit to call for; and

(d) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee or joint committee:

Provided that—

(1) when the Deputy Commissioner is a member of a committee or joint committee, he shall not exercise, in respect of that committee or joint committee, the powers conferred upon him by this section; and

(2) in any of the municipalities of Rangoon, Maulmain, Akyab and Bassein, and any other municipalities to which the Local Government may extend this clause, the said powers shall be exercised by the Local Government and not by any authority mentioned in the foregoing part of this section.

Power to suspend action under Act.

134. *(1)* The Commissioner or the Deputy Commissioner may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal committee or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2) When a Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, and of any representations regarding it submitted to him by the municipal committee, to the Local Government, which may thereupon rescind the order

Burma Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 135-140.)

or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in case of emergency.

135. *(1)* In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal committee is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or as much thereof as is, from time to time, possible, from the balance in priority to any or all other charges against the same.

(3) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

Powers of Local Government in case of default of committee.

136. *(1)* If at any time it appears to the Local Government that a municipal committee has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Deputy Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Deputy Commissioner by the committee.

(3) If the expense is not so paid, the Deputy Commissioner with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance in priority to any or all other charges against the same.

Power of Local Government to supersede committee in case of incompetency, persistent default or excess or abuse of powers.

137. *(1)* If a municipal committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the commtitee to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a committee is so superseded, the following consequences shall ensue :—

(a) All members of the committee shall, as from the date of the order, vacate their offices as such members.

(b) All powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Local Government appoints in that behalf.

(c) All property vested in the committee shall, during the period of supersession, vest in the Local Government.

(3) On the expiration of the period of supersession specified in the order, the committee shall be reconstituted, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified from being members.

Disputes.

133. *(1)* If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a cantonment authority, the matter shall be referred—

(a) to the Deputy Commissioner, if the local authorities concerned are in the same district;

(b) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(c) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If in the case mentioned in clause (*a*) the Deputy Commissioner is a member of one of the committees concerned, his functions under this section shall be discharged by the Commissioner.

(4) "Local authority" in this section means a municipal committee or cantonment authority.

Annual reports and statements.

139. *(1)* A municipal committee shall, at the close of each year or of such other period as may, from time to time, be fixed by the Local Government in this behalf, submit to the Local Government a statement of its receipts and disbursements, in such form as the Local Government may prescribe, and a general report of its proceedings during that period:

Provided that separate accounts shall be submitted of—

(a) all receipts of the water-tax, lighting-tax and scavenging-tax, and of all expenditure on the purposes for which those taxes are levied, respectively; and

(b) all income under the heads mentioned in section 62, and all expenditure on educational purposes.

(2) Accounts submitted under this section shall be examined or audited in such manner as the Local Government prescribes.

Estimates of receipts and expenditure.

140. *(1)* A municipal committee shall submit, before such date in each year as may be directed by the Local Government, for the sanction of such authority as the Local Government may appoint in this behalf, an estimate of its probable receipts for the financial year next following, with proposals for its expenditure, and may, from time to time, submit in like manner further estimates or proposals amending the same.

(2) No expenditure shall be incurred by the committee unless it is provided for in a proposal sanctioned under this section.

Burma Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 141-143.)
(Chapter IX.—Supplemental.—Sections 144-149.)

(3) An abstract of the annual estimate and proposals submitted and sanctioned as required by this section shall be published in such manner as the Local Government directs.

Sanction to works.

141. *(1)* No new work, the estimated cost of which exceeds five hundred rupees, shall be begun by a municipal committee, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof have been approved by the committee at a meeting.

(2) If the estimated cost of any such new work has not been specifically provided for in proposals submitted and sanctioned in manner mentioned in section 140, or exceeds—

twenty thousand rupees in the case of the municipalities of Rangoon, Maulmain, Bassein and Akyab, or

one-tenth of the estimated annual income of the municipal fund in the case of any other municipality,

it shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to and approved by the Local Government, or by an officer empowered by the Local Government in this behalf.

Powers of Commissioner.

142. In all matters connected with the administration of this Act a Commissioner shall have and exercise the same authority and control over a Deputy Commissioner subordinate to him as he has and exercises over the Deputy Commissioner in the general and revenue administration.

Additional power of Local Government to frame forms and make rules.

143. The Local Government may frame forms for any proceeding of a municipal committee for which it considers that a form should be provided, and may, in addition to any other powers to make rules conferred by this Act, make rules consistent with this Act—

(a) as to the intermediate office or offices, if any, through which correspondence between municipal committees and the Local Government or officers of that Government and representations addressed to the Local Government under this Act shall pass;

(b) as to the preparation of estimates of receipts and expenditure of committees, and as to the conditions subject to which such estimates may be sanctioned;

(c) as to the returns, statements and reports to be submitted by committees; and

(d) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

CHAPTER IX.

SUPPLEMENTAL.

Criminal Procedure.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

144. *(1)* Every police-officer employed in a municipality shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Any such police-officer may arrest any person committing in his view any offence against this Act or the rules made thereunder—

(a) if the name and address of the person are unknown to him, or

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

Prosecutions.

145. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of or with the approval of the municipal committee.

Member not to be deemed interested in prosecution.

146. A Judge or Magistrate shall not be deemed to be a party to or personally interested in any such prosecution within the meaning of section 555 of the Code of Criminal Procedure merely because he is a member of the committee by the order or with the approval of which it has been instituted. X of 1882.

Saving of prosecutions under other laws.

147. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules under section 7, 48, 106 or 143.

148. *(1)* The authority empowered to make rules under section 7, 48, 106 or 143 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

Continuance of existing rules.

149. *(1)* The Local Government may, by notification in the official Gazette, direct that any rules made under the British Burma Municipal Act, 1874, and in force in any local area being, or comprised in, a municipality VII of 1874.

constituted under this Act at the time the municipal committee for that municipality comes into existence under section 13, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made.

(2) The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

Recovery of Money.

150. All fees and all rents and other sums due on account of property for the time being vested in or managed by the municipal committee, and all arrears of taxes and other money due for water supplied or otherwise under this Act, may be recovered as if they were arrears of land-revenue.

Recovery of money.

Notices.

151. *(1)* Every notice issued by a committee under this Act or under any rule made thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

Authentication, service and validity of notices.

(2) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

152. When any notice is, under the provisions of this Act, to be given to, or served on, the owner or occupier of any property and he is unknown, it may be given or served—

Mode of giving notice to owner or occupier of property.

(a) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

153. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Publication of public notices.

Alteration of Municipal Limits.

154. The Local Government may, by notification published in the official Gazette, and in such other manner as the Local Government may determine, declare its intention—

Notification of intention to alter limits of municipality.

(a) to exclude from a municipality any local area comprised therein and defined in the notification, or

(b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

155. *(1)* Any inhabitant of a municipality or local area in respect of which a notification has been published in the official Gazette under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the official Gazette, and the Local Government shall take his objection into consideration.

Alteration of limits of municipality.

(2) When six weeks from the publication of the notification in the official Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by a notification in the official Gazette, exclude the local area from the municipality or include it therein, as the case may be.

156. *(1)* When a local area is excluded from a municipality under section 155—

Effect of exclusion of local area from municipality.

(a) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(b) the Local Government shall, after consulting the municipal committee, frame a scheme determining what portion of the balance of the municipal and school funds and other property vested in the municipal committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the publication of the scheme in the local official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

157. When a local area is included in a municipality under section 155, this Act, and, except as the Local Government may otherwise, by notification in the official Gazette, direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force

Effect of including local area in municipality.

throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Powers to except Municipalities from Provisions of Act.

158. *(1)* If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the official Gazette, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by like notification.

Power to except municipality from provisions of Act unsuited thereto.

(2) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Miscellaneous.

159. Nothing in this Act shall affect the Local Authorities Loans Act, 1879. XI of 1879

Saving of Act XI of 1879.

160. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Powers of Governor General in Council and of Local Government exercisable from time to time.

161. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

Decision of questions as to whether persons are "inhabitants."

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1884, and is hereby promulgated for general information :—

ACT No. XVIII OF 1884.

THE PANJÁB COURTS ACT, 1884.

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2. Repeal of Acts.
3. Definitions.

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THE SCHEDULE.—ACTS REPEALED.

An Act to mend the Law relating to Courts in the Panjáb.

WHEREAS it is expedient to amend the law relating to Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. *(1)* This Act may be called the Panjáb Courts Act, 1884.

(2) It extends to the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb; and

(3) it shall come into force on the first day of November, 1884.

(4) Any power conferred by this Act to make rules or to issue orders creating territorial divisions, establishing Courts, appointing and posting officers, or fixing the pecuniary or local limits of their jurisdiction or conferring powers may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal of Acts.

2. On and from that day the Acts mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Definitions.

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

(1) "Assistant Commissioner" includes Extra Assistant Commissioner:

(2) "Revenue Court" means the Court of a Financial Commissioner, of a Commissioner, of a Deputy Commissioner, of an Assistant Commissioner, of a Tahsíldár or of a Náib Tahsíldár exercising jurisdiction in suits of any of the classes mentioned in section 45:

(3) "small cause" means a suit of the nature cognizable in a Court of Small Causes constituted under Act XI of 1865, and any other suit not being a suit of any description specified in section 19 of the Presidency Small Cause Courts Act, 1882, which the Chief Court, with the sanction of the Local Government, may direct to be treated as a small cause for the purposes of appeal: XV of 1882.

(4) "land" means land assessed or liable to be assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village:

(5) "rent" means whatever is payable by an occupant of land on account of the use or occupation thereof:

(6) "tenant" means any occupant of land liable to pay rent therefor, but does not include an under-proprietor:

(7) "landlord" means any person entitled to receive rent paid by a tenant; and

(8) "value", used with reference to a suit, means the amount or value of the subject-matter of the suit.

CHAPTER II.

THE CHIEF COURT.

Constitution of Chief Court and appointment and tenure of Judges.

4. There shall continue to be a Chief Court consisting of three or more Judges, who shall be appointed by the Governor General in Council and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing.

Rank and precedence of Judges of Chief Court.

5. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges:

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

Civil appellate jurisdiction.

6. The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Criminal jurisdiction.

7. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial.

Delegation of powers to members of Court.

8. *(1)* Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its Judges of any of its powers:

Provided that no decree, sentence, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by any Judge of the Chief Court sitting alone. XIV of 1882.

(2) When the Chief Court consists of more than three Judges, it may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court, and may by these rules prescribe the mode of determining which Judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) Subject to the provisions of sub-section (2), the Senior Judge may determine which Judge in each case shall sit alone, and which Judges of the Court shall constitute any bench.

Appeals from original jurisdiction of Chief Court.

9. Except as otherwise provided by any enactment for the time being in force, an appeal from any decree or order made by the Chief Court—

(a) in exercise of its original jurisdiction in cases withdrawn from other Courts under section 25 of the Code of Civil Procedure, or XIV of 1882

(b) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section,—

shall lie in the cases and in manner following (that is to say):—

(1) if the decree or order is made by a single Judge, the appeal shall lie either to a bench consisting of two other Judges, or to a full bench, as the Court may, by general rule or special order, direct;

(2) if the decree or order is made by a bench of Judges not being a full bench, and the Judges differ in opinion, the appeal shall lie to a full bench.

Rule of decision when Judges differ.

10. Except as otherwise provided by any enactment for the time being in force,

(1) when there is a difference of opinion among the Judges composing any bench of the Chief Court, the decision shall be in accordance with the opinion of the majority of those Judges;

(2) If there is no such majority, then—

(a) if the bench is a full bench, or is exercising original civil jurisdiction, the decision shall be in accordance with the opinion of the Senior Judge;

(b) in other cases, the bench before which the question has arisen shall refer the question to a full bench, and shall dispose of the case in accordance with the decision of the full bench.

Power to refer question to full bench.

11. Any single Judge of the Chief Court and any bench of Judges of that Court, not being a full bench, may in any case refer for the decision of a full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the Judge or bench, and shall dispose of the case in accordance with the decision of the full bench on the question.

Ministerial officers.

12. *(1)* The Chief Court may appoint a Registrar and Deputy Registrar, and such other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

(2) The appointment of the Registrar shall be subject to the sanction of the Local Government.

(3) The officers appointed under this section shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.

(4) Any such officer may be suspended or dismissed from his office by order of the Chief Court:

Provided that neither the Registrar nor the Deputy Registrar shall be dismissed without the previous sanction of the Local Government.

Superintendence and control of Subordinate Courts.

13. The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Chief Court.

Power to make rules.

14. *(1)* The Chief Court may make rules consistent with this Act and any other enactment for the time being in force—

(a) providing for the translation of any papers filed in the Chief Court and copying or printing any such papers or translations, and requiring from the persons at whose instance or on whose behalf they are filed payment of the expenses thereby incurred;

(b) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjáb, and regulating the conduct of persons so practising;

(c) determining in what cases persons practising in those Courts shall be permitted to address the Court in English;

(d) prescribing forms for seals to be used by those Courts;

(e) regulating the procedure in cases where any person is entitled to inspect a record of any such Court or obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies;

(f) conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a non-judicial or quasi-judicial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

The Panjáb Courts Act, 1884.
(Chapter II.—The Chief Court.—Sections 15-16.)
(Chapter III.—The Subordinate Civil Courts.—Sections 17-21.)

(*g*) prescribing forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in those Courts or submitted to any authority;

(*h*) providing for the inspection of those Courts and the supervision of the working thereof; and

(*i*) regulating all such matters as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of those Courts and maintaining proper discipline among those officers.

(2) A rule made under clause (*a*), (*b*), (*c*), (*f*) (*g*), (*h*) or (*i*) shall not take effect until it has been sanctioned by the Local Government and has been published in the official Gazette.

(3) Whoever breaks any rule made under clause (*b*) shall be punished with a fine which may extend to fifty rupees.

Registers, books, accounts and statements to be kept and furnished by Chief Court.

15. *(1)* The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of those registers, books and accounts, and such statements of the work done in the Court, as may be required by the said Government.

(2) The Chief Court shall also comply with such requisitions as may be made by the Governor General in Council, or by the Local Government, for certified copies of, or extracts from, the records of the Chief Court and the Courts subordinate thereto.

Procedure of Chief Court in exercise of civil jurisdiction.

16. *(1)* The Chief Court, when sitting as a Court of civil judicature, shall take evidence and record judgments and orders in such manner as it, by rule, directs, and may frame forms for any proceeding in the Court in the exercise of its civil jurisdiction.

XIV of 1882. *(2)* The following provisions of the Code of Civil Procedure shall not apply to the Chief Court in the exercise of its original civil jurisdiction, namely, sections 119, 182 to 185 (both inclusive), 187, 189 to 191 (both inclusive), 192 (so far as it relates to the manner of taking evidence), 198, 200 to 204 (both inclusive), and so much of section 409 as relates to the making of a memorandum.

XIV of 1882. *(3)* Section 579 of the said Code shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

Classes of Courts.

Classes of Courts.

17. Besides the Chief Court, the Courts of Small Causes established under Act XI of 1865 and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts (namely):—

(*a*) the Divisional Court;

(*b*) the Court of the District Judge;

(*c*) the Court of the Subordinate Judge;

(*d*) the Court of the Munsif.

Territorial Divisions.

Civil divisions and districts.

18. *(1)* For the purposes of this Act the Local Government shall divide the territories under its administration into civil divisions, and each civil division into civil districts.

(2) The Local Government may alter the limits or the number of these divisions and districts.

Divisional and District Courts.

Establishment of Divisional Courts.

19. *(1)* The Local Government shall appoint as many persons as it thinks necessary to be Divisional Judges, and shall for each civil division establish a Divisional Court consisting of one or more such Judges.

(2) The Local Government may, where a Divisional Court consists of more than one Judge, by general rule or special order determine which of them shall be deemed to be the senior.

Establishment of District Courts.

20. The Local Government shall appoint as many persons as it thinks necessary to be District Judges, and shall post one such person to each district as District Judge of that district:

Provided that the same person may, if the Local Government thinks fit, be appointed to be District Judge of two or more districts.

Distribution of business in Divisional Court.

21. The Chief Court may, subject to the provisions of this Act and any other enactment for the time being in force, make rules to provide for the exercise of any of the powers of a Divisional Court consisting of more than one Judge by one or more Judges of the Court:

Provided that no decree, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or XIV of 1882. modified by a single Judge of a Divisional Court consisting of more than one Judge.

Original jurisdiction of Divisional and District Courts in suits.

22. Except as otherwise provided by any enactment for the time being in force, the Divisional Court and the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value.

District Court to be principal Civil Court of original jurisdiction.

23. Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district:

Provided that—

(*a*) for the purposes of the Indian Divorce Act, IV of 1869. the Divisional Court shall be deemed to be the District Court for all districts comprised in the division; and

(*b*) the Local Government may direct that the Divisional Court shall for any other purpose be deemed to be the District Court or principal Civil Court of original jurisdiction for any district comprised in the division.

Subordinate Judges and Munsifs.

Appointment of Subordinate Judges.

24. The Local Government may appoint as many persons as it thinks necessary to be Subordinate Judges.

The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 25-34.)

Appointment of Munsifs.

25. *(1)* The Local Government may fix the number of Munsifs to be appointed, and, when there is any vacancy in that number, the Chief Court may, subject to the rules (if any) made under subsection (2), appoint such person to the same as it thinks fit.

(2) The Chief Court may, with the previous sanction of the Local Government, make rules as to the qualifications of persons to be appointed Munsifs.

Pecuniary limits of jurisdiction of Subordinate Judges and Munsifs.

26. *(1)* The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge or Munsif shall in the case of a Subordinate Judge be determined by the Local Government, and in the case of a Munsif by the Chief Court, either by including him in a class or grade, or otherwise as it thinks fit.

(2) The jurisdiction in the case of a Subordinate Judge may be without limit, but in the case of a Munsif shall not extend to suits the value of which exceeds one thousand rupees.

Local limits of their jurisdiction.

27. *(1)* The local limits of the jurisdiction of a Subordinate Judge shall be such as the Local Government may define.

(2) The local limits of the jurisdiction of a Munsif shall be such as the Chief Court may define.

(3) When the Local Government posts a Subordinate Judge or the Chief Court posts a Munsif to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

Special Judges and Benches.

28. *(1)* The Local Government may confer on any person all or any of the powers conferable under this Act on a Subordinate Judge or Munsif with respect to particular classes of cases, or with respect to cases generally in any local area, and may withdraw, or suspend the exercise of, any powers so conferred.

(2) The Local Government may direct any uneven number of persons invested with powers of the same description and exercisable within the same local area under this section to sit together as a bench; and those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.

(3) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

(4) Persons on whom powers are conferred under this section shall be called Special Judges, and such persons and the benches constituted under this section shall be deemed for the purposes of this Act to be Subordinate Judges or Munsifs, as the Local Government may direct.

Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Court.

29. *(1)* The Chief Court may, by order, authorize any District Court to transfer to a Subordinate Judge or Munsif under its control any of the following proceedings or any class of such proceedings specified in the order, and then pending or thereafter instituted before the District Court (that is to say):—

(*a*) applications for certificates under Act XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*);

(*b*) proceedings under Act XL of 1858 (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) or Act IX of 1861 (*to amend the law relating to Minors*).

(2) The District Court may withdraw any proceedings so transferred, and may either itself dispose of them, or, with the previous sanction of the Chief Court, transfer them to any other Subordinate Judge or Munsif under its control.

(3) All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) subject to the rules applicable to like cases when disposed of by the District Court.

Small Cause Jurisdiction.

Power to confer Small Cause Court jurisdiction.

30. The Local Government may confer, within such local limits as it thinks fit, upon any District Judge, Subordinate Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under Act XI of 1865 for the trial of suits cognizable by such Courts up to such value, not exceeding five hundred rupees, as it thinks fit, and may withdraw any jurisdiction so conferred.

Suspension and Removal.

Suspension and removal.

31. *(1)* Any Divisional Judge, District Judge or Subordinate Judge may be suspended or removed from office by the Local Government.

(2) Any Munsif may, subject to the control of the Local Government, be suspended or removed from office by the Chief Court.

Valuation of Suits.

Valuation of suits.

32. When the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that suits of that class shall, for all or any of the purposes of this Act, be treated as if their subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

Administrative Control.

Controlling powers of Divisional and District Courts.

33. *(1)* Subject to the general superintendence and control of the Chief Court, every Divisional Court shall control all other Civil Courts in the division.

(2) Subject as aforesaid and to the control of the Divisional Court, every District Court shall control all other Civil Courts in the district.

Power of Divisional Court to transfer business.

34. *(1)* Every Divisional Court may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court. XIV of 1882.

(2) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 35-38.)
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Sections 39-43.)

35. Notwithstanding anything contained in the Code of Civil Procedure, every Divisional Court and District Court may, by written order, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit:

XIV of 1882. Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

36. *(1)* The ministerial officers of the Divisional and District Courts and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively.

Ministerial officers of Subordinate Courts.

(2) The ministerial officers of all Courts controlled by a District Court, other than Courts of Small Causes, shall be appointed, and may be suspended and dismissed, by the District Court.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf, and, in dealing with any matter under this section, a District Court or a Judge of a Court of Small Causes shall act subject to the control of the Divisional Court.

37. *(1)* A Divisional or District Court or any Court under the control of a District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

Power to fine ministerial officers.

(2) The District Court, subject to the general control of the Divisional Court, may, on appeal or otherwise, reverse or modify an order made under sub-section (1) by any Court under its control other than a Court of Small Causes, and may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control other than a Court of Small Causes.

38. A District Court may, with the previous sanction of the Local Government, delegate to any Subordinate Judge in the district the powers conferred on a District Court by sections 33, 35 and 36 of this Act, and section 25 of the Code of Civil Procedure, to be exercised by the Subordinate Judge in any specified portion of the district subject to the control of the District Court.

Delegation of District Judge's powers.

XIV of 1882.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

39. *(1)* Appeals from the decrees of a Munsif in small causes shall, when such appeals are allowed by law, and the value of the suit does not exceed five hundred rupees, lie to the District Judge.

First appeals to whom to lie.

(2) Appeals from the decrees of a District or Subordinate Judge in original suits, when the value of the suit exceeds five thousand rupees, and appeals from the decrees of the Divisional Court in original suits, shall, when such appeals are allowed by law, lie to the Chief Court.

(3) Appeals from decrees in original suits, not hereinbefore or by any other enactment for the time being in force provided for, shall, when such appeals are allowed by law, lie to the Divisional Court.

40. A further appeal shall lie to the Chief Court in the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely:—

Further appeal from Divisional Court.

(*a*) if the value of the suit exceeds five hundred rupees; or

the decree involves directly some claim to, or question respecting, property of like value;

(*b*) if the Divisional Court consists of a single Judge and the decree varies or reverses the decree of the Court below;

(*c*) if in a Divisional Court consisting of more than one Judge the appeal is heard by two or more Judges, and there is not a majority of those Judges concurring in the decree passed by the Divisional Court;

(*d*) if on the application of any party a Judge of the Divisional Court certifies that there is a question of law or custom or of general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal:

Provded that—

(1) an application under clause (*d*) shall not be received after the expiration of thirty days from the date on which the decree of the Divisional Court is passed, unless the applicant satisfies the Judge that he had sufficient cause for not presenting it within that period; and

(2) no further appeal shall lie in any small cause when the value of the suit does not exceed five hundred rupees.

41. Subject to the provisions of section 40 of this Act and sections 595 and 622 of the Code of Civil Procedure, a decree of the District or Divisional Court passed in appeal shall be final.

Appellate decision of District or Divisional Court otherwise final.

XIV of 1882.

42. *(1)* The Local Government may confer on a Subordinate Judge the powers of a District Judge for the purpose of hearing appeals from the Courts of Munsifs in any local area, and withdraw those powers.

Power to confer appellate jurisdiction on Subordinate Judge.

(2) A Subordinate Judge shall for purposes connected with the exercise of powers so conferred be deemed to be a District Judge.

43. *(1)* The period of limitation for an appeal under section 39 or section 40 shall run from the date of the decree appealed against, and shall be as follows, that is to say:—

Period of limitation.

(*a*) when the appeal lies to the District or Divisional Court—sixty days;

(*b*) when the appeal lies to the Chief Court—ninety days.

(2) In computing these periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877:

XV of 1877.

The Panjáb Courts Act, 1884.
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Section 44.)
(Chapter V.—Revenue Courts.—Sections 45-47.)

Provided that, in computing the period of ninety days for an appeal under section 40, clause (*d*), the time during which the application under that clause has been pending shall be excluded.

44. For the purposes of section 617 of the Code of Civil Procedure, every appeal to a Divisional Court under this chapter shall, except when the value of the suit exceeds five hundred rupees, be deemed to be an appeal in which the decree is final

XIV of 1882. References to Chief Court under section 617 of Code of Civil Procedure.

CHAPTER V.

REVENUE COURTS.

45. Suits of any of the classes comprised in the following groups instituted on and after the date on which this Act comes into force, shall be instituted, heard and determined in Revenue Courts and not otherwise:—

Certain classes of suits cognizable by Revenue Courts only.

First Group.

(*a*) Suits by tenants to establish a claim to a right of occupancy.

(*b*) Suits by landlords under section 6 of the Panjáb Tenancy Act, 1868, to prove that a tenant presumed to have a right of occupancy under that section has no such right.

XXVIII of 1868.

(*c*) Suits for enhancement or abatement of rent under Chapter III of the same Act.

(*d*) Suits for ejectment of a tenant.

(*e*) Suits under section 25 of the said Act to contest liability to be ejected when notice of ejectment has been served.

Second Group.

(*f*) Suits for arrears of rent on account of land, or of any payments due on account of rights of pasturage, forest-rights, fisheries or the like.

(*g*) Suits for the recovery of any over-payment of rent.

(*h*) Suits by lambardárs for arrears of land-revenue, payable through them by the co-sharers, or for village-expenses or other dues for which the co-sharers may be responsible to the lambardár.

(*i*) Suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses, or for a settlement of accounts.

(*j*) Suits by assignees of land-revenue for arrears of revenue due to them as such.

(*k*) Suits by superior proprietors for arrears of revenue due to them as such.

(*l*) Suits under section 9 of the Specific Relief Act to recover possession of land.

I of 1877.

(*m*) Suits to determine disputes regarding boundaries of land which have been fixed by a Court or Revenue-officer:

Provided that the Local Government may, after consulting the Chief Court, direct that suits of any of these classes arising in any local area shall be heard and determined by the Civil Courts and not by the Revenue Courts, and cancel any such direction.

46. *(1)* A Deputy Commissioner shall have power to try suits of any of the classes mentioned in section 45.

Original jurisdiction of Deputy Commissioner and his subordinates in suits.

(2) An Assistant Commissioner or Tahsíldár shall have power to try suits of such classes mentioned in the second group of the same section, and within such limits as regards value, as may be determined by the Local Government either by including him in a class or grade, or otherwise as it thinks fit.

(3) The Local Government may invest a Náib Tahsíldár with power to try suits of the classes mentioned in section 45, clauses (*f*), (*g*), (*h*), (*i*) and (*k*), when the value does not exceed one hundred rupees.

(4) The powers conferred by this section shall be exercised within such local limits as the Local Government may direct, and in the absence of any such direction throughout the district or tahsíl to which the officer is posted.

47. An appeal shall lie from a decree passed in an original suit of any of the classes mentioned in section 46 as follows, namely:—

Appeals from original decrees.

(*a*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner in a suit of the first group and the value of the suit does not exceed five thousand rupees, or

in a suit of the second group and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner;

(*c*) when the decree is passed by an Assistant Commissioner, Tahsíldár or Náib Tahsíldár—to the Deputy Commissioner:

Provided that—

(1) no appeal shall lie from a decree passed in a suit of the class mentioned in section 45, clause (*l*);

(2) the Local Government may direct that no appeal shall lie from the decree of any Assistant Commissioner or class or grade of Assistant Commissioners designated by it in this behalf in any suit of the classes specified in clauses (*f*) to (*k*), both inclusive, of section 45, unless—

(*a*) the value of the suit exceeds such sum, not being more than one hundred rupees, as the Local Government may fix in this behalf, or

(*b*) the decree has decided a question of title to land or to some interest in land as between parties having conflicting claims thereto or as to the amount of some rent or revenue or other payment to which there is a recurring claim or as to the principle on which revenue, profits or village-expenses or other dues should be apportioned.

(3) The Local Government may direct that appeals shall lie from the decrees of an Assistant Commissioner or any class of Assistant Commissioners as if those decrees were passed by a Deputy Commissioner.

The Panjáb Courts Act, 1884.
(Chapter V.—Revenue Courts.—Sections 48-56.)

48. A further appeal shall lie from a decree passed on appeal in a suit of any of the classes mentioned in section 45 on any ground which would be a good ground of appeal if the decree had been passed in an original suit as follows, namely :—

Further appeals from appellate decrees.

(*a*) when the decree is passed by a Commissioner in a suit of the first group and reverses or modifies the original decree —to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*c*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner.

49. Except as provided by the foregoing sections, no appeal shall lie from a decree passed under this chapter.

No appeals except under the foregoing sections.

50. *(1)* The period of limitation for an appeal under section 47 or 48 shall run from the date of the decree appealed against, and shall be as follows, that is to say :—

Limitation of appeals under this chapter.

(*a*) when the appeal lies to the Court of the Deputy Commissioner or of the Commissioner—sixty days ;

(*b*) when the appeal lies to the Financial Commissioner—ninety days.

(2) In computing those periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877. 7.

51. *(1)* The Local Government may confer on any person all or any of the powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter, and may withdraw the powers so conferred.

Power to confer powers of Financial Commissioner, Commissioner and Deputy Commissioner.

(2) Any person on whom powers are conferred under this section shall exercise those powers within such local limits and in such classes of cases as the Local Government may direct, and, except as otherwise directed by the Local Government, shall for all purposes connected with the exercise of the same be deemed a Financial Commissioner, Commissioner or Deputy Commissioner, as the case may be.

52. *(1)* The Local Government may, if it thinks fit, appoint a second Financial Commissioner, who shall hold his office during the pleasure of the Local Government.

Appointment of second Financial Commissioner.

(2) When a second Financial Commissioner is appointed, the Local Government may make rules as to the distribution of business between the two Financial Commissioners, and, until such rules are made and subject to such rules, the Financial Commissioner who is senior in respect of his appointment as such may transfer such business as he thinks fit to the other Financial Commissioner for disposal, and may withdraw and himself dispose of any business so transferred and not disposed of.

53. *(1)* The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this chapter for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts. XIV of 1882.

Procedure of Revenue Courts how to be regulated.

(2) Until such rules are made, and subject to such rules when made and to the provisions of this Act,—

(*a*) the provisions of the Code of Civil Procedure shall, so far as applicable, apply to all proceedings whether before or after decree in cases under this chapter; and XIV of 1882.

(*b*) the Court of the Financial Commissioner shall, in respect of such cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under its control, all the powers of a High Court under the said Code. XIV of 1882.

54. *(1)* If, in any suit pending before a Revenue Court exercising original appellate or revisional jurisdiction under this chapter, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Revenue Court (if any) to the control of which it is immediately subject, by order in writing, require any party to the suit to institute, within such time as it may fix in this behalf, a suit in the Civil Court with a view to obtaining a decision on the question, and, if he fails to comply with the requisition, may, if it thinks fit, decide the question against him.

Power to refer party to Civil Court.

(2) If he institutes such a suit, the Revenue Court shall dispose of the suit pending before it in accordance with the final decision of the Civil Court of first instance or appeal (as the case may be).

55. *(1)* When a question of the description mentioned in section 617 of the Code of Civil Procedure arises before the Financial Commissioner in the exercise of any of his powers under this chapter, he may refer the question for the decision of the Chief Court in manner prescribed by that section: XIV of 1882.

Power for Financial Commissioner to refer question to Chief Court.

Provided that he shall not be bound to express any opinion thereon.

(2) On a reference being made under sub-section (1), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the provisions of sections 618, 619 and 620 of the said Code, and the Chief Court may return for amendment the statement received from the Financial Commissioner if it is not sufficient to enable the Court to determine the question referred. XIV of 1882.

Administrative Control.

56. *(1)* The general superintendence and control over all other Revenue Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Financial Commissioner.

Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.

The Panjáb Courts Act, 1884.
(Chapter VI.—Settlement Courts.—Sections 62-63.)
(Chapter VII.—Supplemental Provisions.—Sections 64-66.)

(2) Subject to the general superintendence and control of the Financial Commissioner, every Commissioner shall control all other Revenue Courts in his division.

(3) Subject as aforesaid and to the control of the Commissioner, every Deputy Commissioner shall control all other Revenue Courts in his district.

57. Every Commissioner and Deputy Commissioner may exercise, as regards the Courts under his control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court. XIV of 1882.

Power to transfer business.

58. Every Commissioner and Deputy Commissioner may, by written order, direct that any business cognizable under this chapter by his Court and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

59. *(1)* The ministerial officers of the Courts of the Financial Commissioner, Commissioner and Deputy Commissioner shall be appointed and may be suspended and dismissed, by the Judges of those Courts, respectively.

Ministerial officers of Courts.

(2) The ministerial officers of all Courts controlled by a Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Deputy Commissioner.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf; and in dealing with any matter under this section a Commissioner shall act subject to the control of the Financial Commissioner, and a Deputy Commissioner subject to the control of the Commissioner.

60. *(1)* A Commissioner or Deputy Commissioner and the presiding officer of every Court under the control of a Deputy Commissioner may fine, in an amount not exceeding one month's salary, any ministerial officer of his Court for misconduct or neglect in the performance of his duties.

Power to fine ministerial officers.

(2) The Deputy Commissioner, subject to the general control of the Commissioner, may, on appeal or otherwise, reverse or modify any order made under sub-section (1) by the presiding officer of any Court under his control, and may of his own motion fine up to the amount of one month's salary any ministerial officer of any such Court.

61. A Deputy Commissioner may, with the previous sanction of the Local Government, delegate to any Assistant Commissioner in the district the powers conferred on Deputy Commissioners by sections 56, 57, 58 and 59 to be exercised by the Assistant Commissioner in any specified portion of the district subject to the control of the Deputy Commissioner.

Delegation of Deputy Commissioner's powers.

CHAPTER VI.

SETTLEMENT COURTS.

62. *(1)* The Local Government may, by notification in the official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling the settlement with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in the local area.

Power to invest Settlement Officers with powers of Revenue Courts in certain cases.

(2) The publication of a notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

(3) The Local Government may cancel any such notification.

(4) While the notification continues in force, the powers specified in it shall be exercised by the officers so invested, and not otherwise:

Provided as follows :—

(*a*) the Local Government may, by order published in the official Gazette, direct that any jurisdiction with which any officer has been invested by the notification shall be exercised solely by the Courts by which the jurisdiction would have been exercised if the notification had not been published; and

(*b*) any cases pending before any officer under the notification when it is cancelled may, notwithstanding the cancellation, be disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that those cases shall be transferred for disposal to the Courts by which they would have been disposed of if the notification had not been published.

63. For the purposes of section 62 the Local Government may, notwithstanding anything in this Act, from time to time direct that any of the Courts mentioned in this Act (except the Chief Court and the Court of the Financial Commissioner) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those specified in this Act.

Power to alter subordination of Courts for purposes of section 62.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

64. Except as otherwise provided by this Act, the Local Government may, when it is empowered by this Act to make any appointment or confer any powers, appoint, or confer the powers on any person specially by name or by virtue of his office.

Mode of appointment and conferring powers.

65. All powers conferred by this Act may be exercised, from time to time, as occasion requires.

Powers exercisable from time to time.

66. *(1)* The Local Government may fix the place or places at which any Court under this Act is to be held.

Place of sitting of Courts.

The Panjáb Courts Act, 1884.
(Chapter VII.—Supplemental Provisions.—Sections 67-75. The Schedule.)

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Act may be held at any place within the local limits of its jurisdiction.

Vacations.

67. *(1)* Subject to the approval of the Local Government, the Chief Court shall prepare a list of days to be observed in each year as holidays in the Chief Court and the Civil Courts subordinate thereto, and the Financial Commissioner shall prepare alike list for his Court and the Courts subordinate thereto.

(2) Every such list shall be published in the official Gazette.

Pending proceedings.

68. *(1)* All cases or proceedings pending in the Chief Court on the day when this Act comes into force shall be disposed of as if this Act had not been passed.

(2) All cases or proceedings pending in any Civil Court subordinate to the Chief Court on that day shall be disposed of as if this Act had not been passed:

Provided that the Chief Court may direct that any such cases or proceedings shall be transferred for disposal to any Civil Court established under this Act which would have had jurisdiction if it had been in existence when the cases or proceedings were instituted.

(3) In the case of an appeal pending on the said day, the following shall, for the purposes of sub-section (2), be deemed to be the Court which would have had jurisdiction as aforesaid, namely:—

(*a*) when the value of the suit exceeds five thousand rupees,—the Chief Court;

(*b*) when the appeal is one in a small cause, and is pending before the Deputy Commissioner or an officer invested with the appellate powers of a Deputy Commissioner and the value of the suit does not exceed five hundred rupees,—the District Court;

(*c*) in other cases,—the Divisional Court.

Appeals after Act comes into force against decrees, &c., passed before.

69. Appeals from decrees, orders and decisions passed by Civil Courts and not appealed against before the date on which this Act comes into force shall lie and be disposed of as if this Act had not been passed and not otherwise:

Provided that the Courts to which such appeals shall lie shall be as follows:—

(*a*) when the appeal would before the said date have lain to the Chief Court, or the value of the suit exceeds five thousand rupees,—the Chief Court;

(*b*) in small causes when the value of the suit does not exceed five hundred rupees, and the appeal would before the said date have lain to the Deputy Commissioner, or an officer exercising the appellate powers of a Deputy Commissioner,—the District Court;

(*c*) in other cases,—the Divisional Court.

Modification of section 622 of Civil Procedure Code.

70. Section 622 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read as if the words "illegally or" were omitted, and for the purposes of that section no appeal shall be deemed to lie from the appellate decree of a Divisional Court to the Chief Court when the case does not fall under clause (*a*), clause (*b*) or clause (*c*) of section 40, and an application under clause (*d*) of that section has been refused.

Amendment of the first schedule annexed to the Court-fees Act, 1870.

71. In the first schedule annexed to the Court-fees Act, 1870, after No. 12, the following shall be inserted:— VII of 1870.

NUMBER.		PROPER FEE.
13. Application to the Chief Court or the Court of the Financial Commissioner of the Panjáb for the exercise of its revisional jurisdiction under section 622 of the Code of Civil Procedure.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a memorandum of appeal.

Refund of fee paid on application for revision.

72. If the Court, on an application under section 622 of the Civil Procedure Code, on which a fee has been paid under the last preceding section, sets aside or modifies the decree or order of a Subordinate Court, or remands the case for a fresh decision, it may grant to the applicant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the application, or any smaller amount which, with regard to the circumstances of the case, it may think proper to order to be refunded. XIV of 1882.

Saving of certain appointments, rules and forms, notifications, powers and orders.

73. All appointments made under sections 5 and 22 of Act XVII of 1877, directions given under section 23, rules and forms made and prescribed under sections 19, 26 and 27, and notifications published, powers conferred and orders issued under section 49, of the same Act, shall, so far as may be, be deemed to have been respectively made, given, prescribed, published, conferred and issued under this Act.

Amendment of Act X of 1870, section 3.

74. In the Land Acquisition Act, 1870, section 3, before the words "British Burma," in both places where they occur, the words "the Panjáb" shall be inserted. X of 1870.

Amendment of Act XXVIII of 1868, section 42.

75. In the Panjáb Tenancy Act, 1868, section 42, for the words "and thirty-one" the words "thirty-one and forty" shall be substituted. XXVIII of 1868.

THE SCHEDULE.

ACTS REPEALED.

(See section 2.)

Number and year.	Title of Act.	Extent of repeal.
Act IV of 1869	The Indian Divorce Act.	So much of section 3 as defines "District Judge" in the Panjáb to mean the "Commissioner of a Division."
Act XIV of 1875.	The Panjáb Judicial Administration Act, 1875.	So far as it relates to civil or criminal judicial powers.
Act XVII of 1877.	The Panjáb Courts' Act, 1877.	The whole, except section eighteen.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th October, 1884, and is hereby promulgated for general information:—

ACT No. XIX OF 1884.

THE RANGOON WATER-WORKS ACT, 1884.

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An Act to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town.

WHEREAS a scheme has been settled and to some extent carried out for the construction and maintenance of water-works and the supply of water to the Town of Rangoon by the Municipal Committee for that town;

And whereas it is necessary for the purposes of the scheme that the Royal Lake at Rangoon, and all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, should vest in, and be under the control of, the Municipal Committee for that town;

And whereas it is expedient that powers should be conferred and duties imposed upon the said Municipal Committee with respect to the construction and maintenance of the proposed water-works and the supply of water to the Town of Rangoon, and otherwise in relation thereto, and that all acts already done by the said Municipal Committee which could have been lawfully done if this Act had been in force should be validated;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. *(1)* This Act may be called the Rangoon Water-works Act, 1884; and

Short title and commencement.

(2) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, fix in this behalf.

(3) All acts done before the passing of this Act which could have been lawfully done if this Act had been in force shall be deemed to have been lawfully done.

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

Definitions.

(1) "town" means the local area for the time being comprised within the municipal limits of the Town of Rangoon:

(2) "street" means any street, road, thoroughfare, passage for place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street:

(3) "owner" includes—

(a) the person who is for the time being entitled to the rent of the house or land in respect of which the word is used and who is not liable to pay rent for that house or land to any other person;

(b) an agent of that person; and

(c) a trustee for that person:

(4) "house" includes schools; also factories and other buildings in which persons are employed:

(5) "water-works" includes all lakes, streams, tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things for supplying, or used for supplying, water under this Act to the Town of Rangoon:

(6) "the Committee" means the Municipal Committee for the Town of Rangoon:

(7) "water-rent" includes any rent, reward or payment to be made to the Committee in connection with the supply of water under this Act, but does not include the water-tax leviable under the Burma Municipal Act, 1884: and XVII of 1884.

(8) a "supply of water for domestic purposes" does not include a supply of water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains or for any ornamental purpose.

CHAPTER II.

VESTING OF PROPERTY.

3. There shall vest in, and be under the control of, the Committee, freed and discharged of and from all manner of rights, titles, privileges or claims whatsoever of any other person,—

Vesting of Royal Lake and cisterns, &c., in Committee.

(a) the Royal Lake at Rangoon; and

(b) all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, used or intended to be used for supplying water to the public in the town, and all land, bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto:

Provided as follows:—

(1) Any person may at any time, subject to such rules as the Committee make in this behalf, row, sail or fish on or in the waters of the Royal Lake:

(2) Nothing in this section shall affect the land adjacent to the Royal Lake and known as the Dalhousie Park, but that land shall be preserved as a public park for the use of the public.

The Rangoon Water-works Act, 1884.
(Chapter III.—Construction and Maintenance of Water-works.—Sections 4-7.)
(Chapter IV.—Supply of Water.—Sections 8-13.)

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS.

4. Subject to rules to be made under this Act by the Chief Commissioner, the Committee shall cause such mains and pipes to be laid, and such water-works to be constructed, as may be necessary for the supply of pure and wholesome water sufficient for the use of the inhabitants for domestic purposes in all parts of the town:

Duty of Committee to construct works for supply of water.

Provided that the Chief Commissioner may, by order in writing, from time to time exempt any part of the town from the provisions of this section, and cancel any such exemption.

5. The Committee shall cause such stand-pipes or pumps to be erected, at such intervals as the Chief Commissioner, by rules made under this Act, prescribes, in all the chief streets in those parts of the town in which mains or pipes have been laid under the last foregoing section.

Duty of Committee to erect stand-pipes.

6. The Committee may, for the purpose of constructing or maintaining any water-works for the supply of water to the town, enter upon any land and take levels of the same, and set out such parts thereof as they think necessary, and dig and break up the soil of the land:

Power for Committee to execute works.

Provided that, in the exercise of these powers the Committee shall do as little damage as may be, and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870. X of 1870.

7. The Committee may open and break up the soil and pavement of the streets, and lay down and place pipes, conduits and other works and engines, and, from time to time, repair, alter or remove the same, and do all other acts which the Committee, from time to time, deem necessary for supplying water to the town.

Power for Committee to break up streets.

CHAPTER IV.

SUPPLY OF WATER.

A.—Supply of water for domestic purposes to Occupiers of Houses or Lands.

8. *(1)* Every occupier of a house or land situate in a part of the town not exempted under the proviso to section 4 shall be entitled to have free of further charge, through the communication-pipes constructed as hereinafter provided, a supply to the house or land of fifteen hundred gallons of pure and wholesome water for domestic purposes for every rupee paid to the Committee for water-tax on account of the house or land.

Right of occupier to certain supply of water for domestic purposes.

(2) If the Committee have reason to believe that the occupier of any house or land consumes more water than he is entitled to have free of further charge under this section, they may provide a water-metre at their own expense, and attach it to such part of the communication-pipes as they think fit.

(3) If the occupier consumes any water over and above the quantity to which he is entitled free of further charge under this section, he shall pay for it at the rate of one rupee for every fifteen hundred gallons, or part of fifteen hundred gallons.

9. Every occupier of a house or land who is entitled to a supply of water free of further charge under the last foregoing section shall, subject to the provisions of this Act, be entitled to have communication-pipes laid down from the service-pipes of the Committee, for bringing into his house or land a reasonable supply of water:

Right of occupier paying water-tax to have water brought into his house or land.

Provided that the Committee may cut off the supply of water to any house or land while the house or land is unoccupied.

10. The communication-pipes leading the water from the service-pipes of the Committee into the house or land of any occupier, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material as the Committee fix and approve, and shall be constructed at the expease of the person requiring them.

Construction of communication-pipes.

11. *(1)* Before a connection for the supply of water from the service-pipes of the Committee to any house or land is sanctioned by the Committee, the Committee shall cause all the works, pipes and fittings within the house or land to be inspected by such officer as the Committee appoint in this behalf.

Inspection of works, pipes and fittings before connection with service-pipes.

(2) The cost of an inspection under this section shall be payable in advance by the person applying for the connection, at such rate as the Committee, at a special meeting, from time to time, direct.

(3) Until the officer has certified that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the Committee's service-pipes shall not be permitted.

12. *(1)* The connection with the service-pipes of the Committee, and the laying of communication-pipes under any street, shall be executed by an officer of the Committee authorized in that behalf.

Connection with service-pipes to be executed only by an officer of the Committee.

(2) The expense of making the connection shall be payable in advance by the person applying for the same, at such rate as the Committee, at a special meeting, from time to time, direct.

13. *(1)* The officer authorized in that behalf by the Committee may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land

Power for officer of Committee to enter premises.

The Rangoon Water-works Act, 1884.
(Chapter V.—Reciprocal Rights of Owners and Occupiers to supply of Water to Houses.—Sections 20-21.)

supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain if there is any waste or misuse of the water.

(2) If any such officer at any such time is refused admittance into any such house or land for the purposes aforesaid, or is prevented from making such examination as aforesaid, the Committee may forthwith turn off or cut off the water from the house or land.

Power for Committee to turn off water when pipes are out of repair.

14. If any pipes, works or fittings connected with the supply of water to any house or land are at any time found, on examination by any officer of the Committee authorized in that behalf, to be out of repair to such an extent as to cause any waste of water, the Committee may, after the expiry of twenty-four hours from the service of notice in writing to this effect, cause the water to be turned off or cut off from the house or land, and may recover the expense incurred for turning off or cutting off the water from the occupier of the house or land.

B.—Supply for gratuitous use in Stand-pipes.

Duty of Committee to supply water for gratuitous use in stand-pipes.

15. The Committee shall cause a sufficient quantity of pure and wholesome water to be supplied for the gratuitous use of the inhabitants of the town for domestic purposes in the stand-pipes to be erected by the Committee under section 5.

C.—Supply of water for extinguishing Fires and cleansing Sewers and Streets.

Duty of Committee to fix fire-plugs in mains.

16. The Committee shall fix and renew and keep in effective order such fire-plugs in such of the mains and other pipes laid by them, and shall deposit keys of the fire-plugs at such places, as the Chief Commissioner by rules made under this Act, directs.

Duty of Committee to supply water for cleansing sewers and drains.

17. In all the mains and pipes to which any fire-plug is fixed, the Committee shall provide and keep constantly laid on, unless prevented by unusual drought or other unavoidable accident, a sufficient supply of water for use with fire-engines, for cleansing the sewers and drains, and for cleansing and watering the streets.

D.—Supply of Water for other than domestic purposes.

Supply for other than domestic purposes.

18. *(1)* The Committee may, from time to time, supply any person with water by measurement for other than domestic purposes, for such remuneration and on such terms and conditions as shall be agreed on between the Committee and the person:

Provided that—

(a) notwithstanding any such agreement, a person shall not be entitled to such a supply whenever and as long as the Committee are of opinion that the supply would interfere with the proper supply of water for domestic purposes under this Act; and

(b) the Committee shall not be liable, in the absence of express stipulation under any such agreement, to any forfeiture, penalty or damages for not supplying the water if the want of the supply arises from unusual drought or other unavoidable cause or accident.

(2) When any such agreement has been entered into by the Committee with any person, the Committee may, subject to such charges or rates as may have been fixed by the Committee at a special meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Committee, for supplying the person with water in accordance with the terms of the agreement.

E.—Pressure of Water supplied.

Pressure at which water must be kept.

19. From such a day as the Chief Commissioner, by notification in the local official Gazette, directs in this behalf, the supply of water in the mains and pipes which the Committee are required to lay under this Act shall be laid on at such pressure as the Chief Commissioner, by rules made under this Act, prescribes.

CHAPTER V.

RECIPROCAL RIGHTS OF OWNERS AND OCCUPIERS TO SUPPLY OF WATER TO HOUSES.

Power for occupier of house to require owner to provide works for water-supply.

20. *(1)* Any occupier holding direct from the owner of a house may, by notice in writing signed by him, require the owner of the house to construct all such works as may be necessary for bringing into the house a supply of water for domestic purposes.

(2) Every notice under this section shall contain an undertaking on the part of the occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of the works during the residue of his term of occupation.

(3) If the house, or the land attached thereto, does not abut upon a street in which there is a supply-main, the occupier shall undertake to pay the cost of connecting the house with the nearest supply-main.

Power for occupier to make works in default of owner.

21. *(1)* If the owner does not, within three months from the service of the notice mentioned in the last foregoing section, cause such works as aforesaid to be completed, the occupier may cause the works to be completed, and may by way of additional remedy deduct the cost of the works from the rent payable by him in respect of the house:

Provided that the occupier shall not recover on account of the cost—

(a) a sum exceeding the amount of six months' rent; or

(b) where the house or the land attached thereto does not abut upon a street in which there is a supply-main, the cost of connecting the house with a supply-main.

The Rangoon Water-works Act, 1884.
(Chapter VI.—Rules.—Sections 29-31.)

(2) The deduction which an occupier is authorized to make under this section shall be made by six equal monthly instalments.

(3) Interest on each instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem from the time when it is deducted.

What works are sufficient for supply of water to house.

22. The works shall not be deemed sufficient for bringing into the house a supply of water for domestic purposes unless the following taps, with the necessary works in connection therewith, are provided, namely:—

(a) two taps in the house;

(b) one tap in the cook-room of, or other building attached to, the house, and

(c) one tap in or near the stables or other out-houses belong to the house:

Provided that, if the annual rent of the house with the buildings and land attached thereto is less than three hundred rupees, it shall be sufficient to provide one tap only, together with the necessary works in connection therewith, within the house and the buildings and land attached thereto.

Estimate and specification of works to be sent.

23. Works for introducing a supply of water to a house shall not be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such a specification and estimate to the owner.

Power to refer to Committee.

24. If there is any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer the difference to the Committee, and the written award of any officer authorized by the Committee in this behalf shall be final and binding on the owner and the occupier.

Fee on reference.

25. There shall be payable by the person making a reference to the Committee under the last foregoing section a fee (not exceeding ten rupees) at the rate of two rupees for every hundred rupees of the monthly rent of the house in respect of the water-supply to which the difference has arisen.

Duty of owner to keep works in repair.

26. *(1)* The owner of any house or land shall keep all works connected with the supply of water to the house or land in substantial repair.

(2) If the owner fails to put any such works in substantial repair after being requested by the occupier to do so, the occupier may cause the necessary repairs to be made, and may by way of additional remedy deduct the cost of the repairs from the rent payable by him in respect of the house or land.

Power for owner to recover sums payable by occupier.

27. Any owner to whom any sum is payable under section 20 or section 21 may recover the sum from the person liable to pay it as if it were rent payable by that person for the house in respect of which the expenses have been incurred.

Saving of contracts between owners and occupiers.

28. Nothing in this chapter shall affect any contract in writing between the owner and occupier of any house or land.

CHAPTER VI.

RULES.

Power for Chief Commissioner to make rules.

29. The Chief Commissioner may, from time to time, make rules consistent with this Act—

(a) to prescribe the size and nature of the mains and pipes to be laid and the water-works to be constructed by the Committee for the supply of water under this Act;

(b) to prescribe the size and nature of the stand-pipes or pumps to be erected by the Committee under this Act, and the intervals at which they must be erected;

(c) to prescribe the mains or pipes in which fire-plugs are to be fixed, and the places at which keys of the fire-plugs are to be deposited, by the Committee under this Act;

(d) to prescribe the pressure at which the water supplied by the Committee under this Act is to be laid on either generally or at specified times; and

(e) generally to define and regulate the powers and duties of the Committee under this Act.

Power for Committee to make rules.

30. *(1)* The Committee may, from time to time, at a special meeting, make rules consistent with this Act—

(a) for regulating rowing, sailing and fishing on or in the Royal Lake; and

(b) for preventing the waste or misuse of water supplied by them, and for defining the nature of the pipes, cocks, cisterns and other apparatus to be used by every person supplied by them with water.

(2) In making a rule under this section the Committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues.

(3) If any person, having or requiring a supply of water from the Committee, fails to comply with any rules made under clause *(b)* of this section, the Committee may refuse to supply water to him, and may cut off the water supplied to him, unless and until the rules are complied with:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Procedure for making rules.

31. *(1)* The Chief Commissioner or Committee shall, before making any rules under section 29 or section 30, publish a draft of the proposed rules for the information of persons interested.

(2) The publication shall be made—

(a) in the case of rules under section 29, in such manner as in the opinion of the Chief Commissioner is sufficient; and

The Rangoon Water-works Act, 1884.
(Chapter VII.—Arrears and Offences.—Sections 33-38.)

(*b*) in the case of rules under section 30, in such manner as the Chief Commissioner, by order, directs.

(*3*) A notice shall be published with the draft rules specifying a date at or after which the draft shall be taken into consideration.

(*4*) The Chief Commissioner or Committee shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

Publication of rules.

32. Every rule made under section 29 or section 30 shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and such publication shall be conclusive evidence that the rule has been made as required by section 31.

CHAPTER VII.

ARREARS AND OFFENCES.

Arrears of water-rents.

33. All arrears of water-rents under this Act may be recovered, on application to such Revenue-officer as the Local Government may appoint in this behalf, as if they were arrears of land-revenue.

Power for Committee to turn off water on neglect to pay water-tax or water-rent.

34. If any person supplied with water neglects to pay—

(*a*) the water-tax leviable under the Burma Municipal Act, 1884, or XVII of 1884.

(*b*) any water-rent payable by him to the Committee,

the Committee may turn off or cut off the water from the house or land in respect of which the water-tax or water-rent is payable, by cutting off the pipe to the house or land, or by such other means as the Committee think fit, and may recover in manner provided by the last foregoing section the expense of turning off or cutting off the water from the person:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Penalty for obstructing, diverting or wasting water.

35. If any person unlawfully obstructs the flow of, flushes, draws off, diverts or takes, water from any water-works belonging to, or under the management or control of, the Committee, or from any water or streams by which these water-works are supplied, or wastes any water supplied to him under this Act, he shall be punished with fine which may extend to one hundred rupees.

Penalty for unauthorized application of water.

36. If any person—

(*a*) uses for other than domestic purposes any water supplied under this Act for domestic purposes; or

(*b*) where water is supplied under section 18 for a specified purpose, uses that water for any other purpose,

he shall be punished with fine which may extend to fifty rupees, without prejudice to the right of the Committee to recover from him the price of the water misused.

Penalties for causing the water of the Committee to be fouled, &c.

37. *(1)* If any person—

(*a*) bathes in, at or upon any water-works, or washes, throws or causes to enter therein any dog or other animal, or

(*b*) throws any rubbish, dirt, filth or other noisome thing into any water-works, or washes or cleanses therein any cloth, wool, leather or skin of any animal, or any clothes or other thing, or

(*c*) causes the water of any sink, sewer or drain, or of any steam-engine or boiler, or any other filthy water belonging to him or under his control, to turn or be brought into any water-works, or does any other act whereby the water in any water-works is fouled, or likely to be fouled,

he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and to ten rupees in addition for each day (if more than one) during which the offence continues.

Prosecutions.

38. Prosecutions under this Act or the rules made under this Act may be instituted by the Committee or any person authorized by them in this behalf, and not otherwise.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th October, 1884, and is hereby promulgated for General information:—

ACT No. XX OF 1884.

An Act to amend the Indian Salt Act, 1882.

WHEREAS it is expedient to exclude the Province of Sindh from the operation of those portions of the Indian Salt Act, 1882, which do not extend by their own operation to the whole of British India; It is hereby enacted as follows:— XII of 1882.

Repeal of words "to the Province of Sindh" and "Province" in section 1 of Act XII of 1882.

1. From such day as the Governor of Bombay in Council, by notification in the official Gazette, fixes in this behalf, the words "to the Province of Sindh" and the word "Province," in paragraphs three and four respectively of section 1 of the Indian Salt Act, 1882, shall be repealed.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 25, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th October, 1884, and is hereby promulgated for general information:—

ACT No. XIX OF 1884.

THE RANGOON WATER-WORKS ACT, 1884.

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37. Penalties for causing the water of the Committee to be fouled, &c.
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An Act to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town.

WHEREAS a scheme has been settled and to some extent carried out for the construction and maintenance of water-works and the supply of water to the Town of Rangoon by the Municipal Committee for that town;

And whereas it is necessary for the purposes of the scheme that the Royal Lake at Rangoon, and all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, should vest in, and be under the control of, the Municipal Committee for that town;

And whereas it is expedient that powers should be conferred and duties imposed upon the said Municipal Committee with respect to the construction and maintenance of the proposed water-works and the supply of water to the Town of Rangoon, and otherwise in relation thereto, and that all acts already done by the said Municipal Committee which could have been lawfully done if this Act had been in force should be validated;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. *(1)* This Act may be called the Rangoon Water-works Act, 1884; and

Short title and commencement.

(2) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, fix in this behalf.

(3) All acts done before the passing of this Act which could have been lawfully done if this Act had been in force shall be deemed to have been lawfully done.

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

Definitions.

(1) "town" means the local area for the time being comprised within the municipal limits of the Town of Rangoon:

(2) "street" means any street, road, thoroughfare, passage for place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street:

(3) "owner" includes—

(a) the person who is for the time being entitled to the rent of the house or land in respect of which the word is used and who is not liable to pay rent for that house or land to any other person;

(b) an agent of that person; and

(c) a trustee for that person:

(4) "house" includes schools; also factories and other buildings in which persons are employed:

(5) "water-works" includes all lakes, streams, tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things for supplying, or used for supplying, water under this Act to the Town of Rangoon:

(6) "the Committee" means the Municipal Committee for the Town of Rangoon:

(7) "water-rent" includes any rent, reward or payment to be made to the Committee in connection with the supply of water under this Act, but does not include the water-tax leviable under the Burma Municipal Act, 1884: and XVII of 1884.

(8) a "supply of water for domestic purposes" does not include a supply of water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains or for any ornamental purpose.

CHAPTER II.

VESTING OF PROPERTY.

3. There shall vest in, and be under the control of, the Committee, freed and discharged of and from all manner of rights, titles, privileges or claims whatsoever of any other person,—

Vesting of Royal Lake and cisterns, &c., in Committee.

(a) the Royal Lake at Rangoon; and

(b) all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, used or intended to be used for supplying water to the public in the town, and all land, bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto:

Provided as follows:—

(1) Any person may at any time, subject to such rules as the Committee make in this behalf, row, sail or fish on or in the waters of the Royal Lake:

(2) Nothing in this section shall affect the land adjacent to the Royal Lake and known as the Dalhousie Park, but that land shall be preserved as a public park for the use of the public.

The Rangoon Water-works Act, 1884.
(Chapter III.—Construction and Maintenance of Water-works.—Sections 4-7.)
(Chapter IV.—Supply of Water.—Sections 8-13.)

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS.

4. Subject to rules to be made under this Act by the Chief Commissioner, the Committee shall cause such mains and pipes to be laid, and such water-works to be constructed, as may be necessary for the supply of pure and wholesome water sufficient for the use of the inhabitants for domestic purposes in all parts of the town:

Duty of Committee to construct works for supply of water.

Provided that the Chief Commissioner may, by order in writing, from time to time exempt any part of the town from the provisions of this section, and cancel any such exemption.

5. The Committee shall cause such stand-pipes or pumps to be erected, at such intervals as the Chief Commissioner, by rules made under this Act, prescribes, in all the chief streets in those parts of the town in which mains or pipes have been laid under the last foregoing section.

Duty of Committee to erect stand-pipes.

6. The Committee may, for the purpose of constructing or maintaining any water-works for the supply of water to the town, enter upon any land and take levels of the same, and set out such parts thereof as they think necessary, and dig and break up the soil of the land:

Power for Committee to execute works.

Provided that, in the exercise of these powers the Committee shall do as little damage as may be, and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870. X of 1870.

7. The Committee may open and break up the soil and pavement of the streets, and lay down and place pipes, conduits and other works and engines, and, from time to time, repair, alter or remove the same, and do all other acts which the Committee, from time to time, deem necessary for supplying water to the town.

Power for Committee to break up streets.

CHAPTER IV.

SUPPLY OF WATER.

A.—Supply of water for domestic purposes to Occupiers of Houses or Lands.

8. *(1)* Every occupier of a house or land situate in a part of the town not exempted under the proviso to section 4 shall be entitled to have free of further charge, through the communication-pipes constructed as hereinafter provided, a supply to the house or land of fifteen hundred gallons of pure and wholesome water for domestic purposes for every rupee paid to the Committee for water-tax on account of the house or land.

Right of occupier to certain supply of water for domestic purposes.

(2) If the Committee have reason to believe that the occupier of any house or land consumes more water than he is entitled to have free of further charge under this section, they may provide a water-metre at their own expense, and attach it to such part of the communication-pipes as they think fit.

(3) If the occupier consumes any water over and above the quantity to which he is entitled free of further charge under this section, he shall pay for it at the rate of one rupee for every fifteen hundred gallons, or part of fifteen hundred gallons.

9. Every occupier of a house or land who is entitled to a supply of water free of further charge under the last foregoing section shall, subject to the provisions of this Act, be entitled to have communication-pipes laid down from the service-pipes of the Committee, for bringing into his house or land a reasonable supply of water:

Right of occupier paying water-tax to have water brought into his house or land.

Provided that the Committee may cut off the supply of water to any house or land while the house or land is unoccupied.

10. The communication-pipes leading the water from the service-pipes of the Committee into the house or land of any occupier, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material as the Committee fix and approve, and shall be constructed at the expense of the person requiring them.

Construction of communication-pipes.

11. *(1)* Before a connection for the supply of water from the service-pipes of the Committee to any house or land is sanctioned by the Committee, the Committee shall cause all the works, pipes and fittings within the house or land to be inspected by such officer as the Committee appoint in this behalf.

Inspection of works, pipes and fittings before connection with service-pipes.

(2) The cost of an inspection under this section shall be payable in advance by the person applying for the connection, at such rate as the Committee, at a special meeting, from time to time, direct.

(3) Until the officer has certified that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the Committee's service-pipes shall not be permitted.

12. *(1)* The connection with the service-pipes of the Committee, and the laying of communication-pipes under any street, shall be executed by an officer of the Committee authorized in that behalf.

Connection with service-pipes to be executed only by an officer of the Committee.

(2) The expense of making the connection shall be payable in advance by the person applying for the same, at such rate as the Committee, at a special meeting, from time to time, direct.

13. *(1)* The officer authorized in that behalf by the Committee may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land

Power for officer of Committee to enter premises.

The Rangoon Water-works Act, 1884.
(Chapter V.—Reciprocal Rights of Owners and Occupiers to supply of Water to Houses.—Sections 20-21.)

supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain if there is any waste or misuse of the water.

(2) If any such officer at any such time is refused admittance into any such house or land for the purposes aforesaid, or is prevented from making such examination as aforesaid, the Committee may forthwith turn off or cut off the water from the house or land.

Power for Committee to turn off water when pipes are out of repair.

14. If any pipes, works or fittings connected with the supply of water to any house or land are at any time found, on examination by any officer of the Committee authorized in that behalf, to be out of repair to such an extent as to cause any waste of water, the Committee may, after the expiry of twenty-four hours from the service of notice in writing to this effect, cause the water to be turned off or cut off from the house or land, and may recover the expense incurred for turning off or cutting off the water from the occupier of the house or land.

B.—Supply for gratuitous use in Stand-pipes.

Duty of Committee to supply water for gratuitous use in stand-pipes.

15. The Committee shall cause a sufficient quantity of pure and wholesome water to be supplied for the gratuitous use of the inhabitants of the town for domestic purposes in the stand-pipes to be erected by the Committee under section 5.

C.—Supply of water for extinguishing Fires and cleansing Sewers and Streets.

Duty of Committee to fix fire-plugs in mains.

16. The Committee shall fix and renew and keep in effective order such fire-plugs in such of the mains and other pipes laid by them, and shall deposit keys of the fire-plugs at such places, as the Chief Commissioner by rules made under this Act, directs.

Duty of Committee to supply water for cleansing sewers and drains.

17. In all the mains and pipes to which any fire-plug is fixed, the Committee shall provide and keep constantly laid on, unless prevented by unusual drought or other unavoidable accident, a sufficient supply of water for use with fire-engines, for cleansing the sewers and drains, and for cleansing and watering the streets.

D.—Supply of Water for other than domestic purposes.

Supply for other than domestic purposes.

18. *(1)* The Committee may, from time to time, supply any person with water by measurement for other than domestic purposes, for such remuneration and on such terms and conditions as shall be agreed on between the Committee and the person:

Provided that—

(a) notwithstanding any such agreement, a person shall not be entitled to such a supply whenever and as long as the Committee are of opinion that the supply would interfere with the proper supply of water for domestic purposes under this Act; and

(b) the Committee shall not be liable, in the absence of express stipulation under any such agreement, to any forfeiture, penalty or damages for not supplying the water if the want of the supply arises from unusual drought or other unavoidable cause or accident.

(2) When any such agreement has been entered into by the Committee with any person, the Committee may, subject to such charges or rates as may have been fixed by the Committee at a special meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Committee, for supplying the person with water in accordance with the terms of the agreement.

E.—Pressure of Water supplied.

Pressure at which water must be kept.

19. From such a day as the Chief Commissioner, by notification in the local official Gazette, directs in this behalf, the supply of water in the mains and pipes which the Committee are required to lay under this Act shall be laid on at such pressure as the Chief Commissioner, by rules made under this Act, prescribes.

CHAPTER V.

RECIPROCAL RIGHTS OF OWNERS AND OCCUPIERS TO SUPPLY OF WATER TO HOUSES.

Power for occupier of house to require owner to provide works for water-supply.

20. *(1)* Any occupier holding direct from the owner of a house may, by notice in writing signed by him, require the owner of the house to construct all such works as may be necessary for bringing into the house a supply of water for domestic purposes.

(2) Every notice under this section shall contain an undertaking on the part of the occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of the works during the residue of his term of occupation.

(3) If the house, or the land attached thereto, does not abut upon a street in which there is a supply-main, the occupier shall undertake to pay the cost of connecting the house with the nearest supply-main.

Power for occupier to make works in default of owner.

21. *(1)* If the owner does not, within three months from the service of the notice mentioned in the last foregoing section, cause such works as aforesaid to be completed, the occupier may cause the works to be completed, and may by way of additional remedy deduct the cost of the works from the rent payable by him in respect of the house:

Provided that the occupier shall not recover on account of the cost—

(*a*) a sum exceeding the amount of six months' rent; or

(*b*) where the house or the land attached thereto does not abut upon a street in which there is a supply-main, the cost of connecting the house with a supply-main.

The Rangoon Water-works Act, 1884.
(Chapter VI.—Rules.—Sections 29-31.)

(2) The deduction which an occupier is authorized to make under this section shall be made by six equal monthly instalments.

(3) Interest on each instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem from the time when it is deducted.

What works are sufficient for supply of water to house.

22. The works shall not be deemed sufficient for bringing into the house a supply of water for domestic purposes unless the following taps, with the necessary works in connection therewith, are provided, namely:—

(*a*) two taps in the house;

(*b*) one tap in the cook-room of, or other building attached to, the house, and

(*c*) one tap in or near the stables or other out-houses belong to the house:

Provided that, if the annual rent of the house with the buildings and land attached thereto is less than three hundred rupees, it shall be sufficient to provide one tap only, together with the necessary works in connection therewith, within the house and the buildings and land attached thereto.

Estimate and specification of works to be sent.

23. Works for introducing a supply of water to a house shall not be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such a specification and estimate to the owner.

Power to refer to Committee.

24. If there is any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer the difference to the Committee, and the written award of any officer authorized by the Committee in this behalf shall be final and binding on the owner and the occupier.

Fee on reference.

25. There shall be payable by the person making a reference to the Committee under the last foregoing section a fee (not exceeding ten rupees) at the rate of two rupees for every hundred rupees of the monthly rent of the house in respect of the water-supply to which the difference has arisen.

Duty of owner to keep works in repair.

26. *(1)* The owner of any house or land shall keep all works connected with the supply of water to the house or land in substantial repair.

(2) If the owner fails to put any such works in substantial repair after being requested by the occupier to do so, the occupier may cause the necessary repairs to be made, and may by way of additional remedy deduct the cost of the repairs from the rent payable by him in respect of the house or land.

Power for owner to recover sums payable by occupier.

27. Any owner to whom any sum is payable under section 20 or section 21 may recover the sum from the person liable to pay it as if it were rent payable by that person for the house in respect of which the expenses have been incurred.

Saving of contracts between owners and occupiers.

28. Nothing in this chapter shall affect any contract in writing between the owner and occupier of any house or land.

CHAPTER VI.

RULES.

Power for Chief Commissioner to make rules.

29. The Chief Commissioner may, from time to time, make rules consistent with this Act—

(*a*) to prescribe the size and nature of the mains and pipes to be laid and the water-works to be constructed by the Committee for the supply of water under this Act;

(*b*) to prescribe the size and nature of the stand-pipes or pumps to be erected by the Committee under this Act, and the intervals at which they must be erected;

(*c*) to prescribe the mains or pipes in which fire-plugs are to be fixed, and the places at which keys of the fire-plugs are to be deposited, by the Committee under this Act;

(*d*) to prescribe the pressure at which the water supplied by the Committee under this Act is to be laid on either generally or at specified times; and

(*e*) generally to define and regulate the powers and duties of the Committee under this Act.

Power for Committee to make rules.

30. *(1)* The Committee may, from time to time, at a special meeting, make rules consistent with this Act—

(*a*) for regulating rowing, sailing and fishing on or in the Royal Lake; and

(*b*) for preventing the waste or misuse of water supplied by them, and for defining the nature of the pipes, casks, cisterns and other apparatus to be used by every person supplied by them with water.

(2) In making a rule under this section the Committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues.

(3) If any person, having or requiring a supply of water from the Committee, fails to comply with any rules made under clause *(b)* of this section, the Committee may refuse to supply water to him, and may cut off the water supplied to him, unless and until the rules are complied with:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Procedure for making rules.

31. *(1)* The Chief Commissioner or Committee shall, before making any rules under section 29 or section 30, publish a draft of the proposed rules for the information of persons interested.

(2) The publication shall be made—

(*a*) in the case of rules under section 29, in such manner as in the opinion of the Chief Commissioner is sufficient; and

The Rangoon Water-works Act, 1884.
(Chapter VII.—Arrears and Offences.—Sections 33-38.)

(*b*) in the case of rules under section 30, in such manner as the Chief Commissioner, by order, directs.

(3) A notice shall be published with the draft rules specifying a date at or after which the draft shall be taken into consideration.

(4) The Chief Commissioner or Committee shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

Publication of rules.

32. Every rule made under section 29 or section 30 shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and such publication shall be conclusive evidence that the rule has been made as required by section 31.

CHAPTER VII.

ARREARS AND OFFENCES.

Arrears of water-rents.

33. All arrears of water-rents under this Act may be recovered, on application to such Revenue-officer as the Local Government may appoint in this behalf, as if they were arrears of land-revenue.

Power for Committee to turn off water on neglect to pay water-tax or water-rent.

34. If any person supplied with water neglects to pay—

(*a*) the water-tax leviable under the Burma Municipal Act, 1884, or XVII of 1884.

(*b*) any water-rent payable by him to the Committee,

the Committee may turn off or cut off the water from the house or land in respect of which the water-tax or water-rent is payable, by cutting off the pipe to the house or land, or by such other means as the Committee think fit, and may recover in manner provided by the last foregoing section the expense of turning off or cutting off the water from the person:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Penalty for obstructing, diverting or wasting water.

35. If any person unlawfully obstructs the flow of, flushes, draws off, diverts or takes, water from any water-works belonging to, or under the management or control of, the Committee, or from any water or streams by which these water-works are supplied, or wastes any water supplied to him under this Act, he shall be punished with fine which may extend to one hundred rupees.

Penalty for unauthorized application of water.

36. If any person—

(*a*) uses for other than domestic purposes any water supplied under this Act for domestic purposes; or

(*b*) where water is supplied under section 18 for a specified purpose, uses that water for any other purpose,

he shall be punished with fine which may extend to fifty rupees, without prejudice to the right of the Committee to recover from him the price of the water misused.

Penalties for causing the water of the Committee to be fouled, &c.

37. *(1)* If any person—

(*a*) bathes in, at or upon any water-works, or washes, throws or causes to enter therein any dog or other animal, or

(*b*) throws any rubbish, dirt, filth or other noisome thing into any water-works, or washes or cleanses therein any cloth, wool, leather or skin of any animal, or any clothes or other thing, or

(*c*) causes the water of any sink, sewer or drain, or of any steam-engine or boiler, or any other filthy water belonging to him or under his control, to turn or be brought into any water-works, or does any other act whereby the water in any water-works is fouled, or likely to be fouled,

he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and to ten rupees in addition for each day (if more than one) during which the offence continues.

Prosecutions.

38. Prosecutions under this Act or the rules made under this Act may be instituted by the Committee or any person authorized by them in this behalf, and not otherwise.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor-General on the 10th October, 1884, and is hereby promulgated for General information:—

ACT NO. XX OF 1884.

An Act to amend the Indian Salt Act, 1882.

WHEREAS it is expedient to exclude the Province of Sindh from the operation of those portions of the Indian Salt Act, 1882, which do not extend by their own operation to the whole of British India; It is hereby enacted as follows:— XII of 1882.

Repeal of words "to the Province of Sindh" and "Province" in section 1 of Act XII of 1882.

1. From such day as the Governor of Bombay in Council, by notification in the official Gazette, fixes in this behalf, the words "to the Province of Sindh" and the word "Province," in paragraphs three and four respectively of section 1 of the Indian Salt Act, 1882, shall be repealed.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 20, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th December, 1884, and is hereby promulgated for general information :—

ACT No. XXI OF 1884.

An Act to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

V of 1877. XXI of 1883.

WHEREAS it is expedient to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

1. The Straits Settlements Emigration Act, 1877, is repealed. V of 1877.

New section substituted for section 102 of Act XXI of 1883.

2. For section 102 of the Indian Emigration Act, 1883, the following section shall be substituted :— XXI of 1883.

Power for Governor General in Council to exempt emigration to Native States adjoining the Straits Settlements from Act.

"102. On and from such a date as the Governor General in Council may, by notification in the *Gazette of India*, fix in this behalf, a Native of India who departs by sea out of British India under an agreement to labour for hire in any protected Native State adjoining the Straits Settlements to which the notification refers shall not be deemed to emigrate within the meaning of this Act."

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 27, 1884.

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

PART IV.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th December, 1884, and is hereby promulgated for general information:—

ACT No. XXI OF 1884.

An Act to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

V of 1877. XXI of 1883.

1. The Straits Settlements Emigration Act, 1877, is repealed. V of 1877.

New section substituted for section 102 of Act XXI of 1883.

2. For section 102 of the Indian Emigration Act, 1883, the following section shall be substituted:— XXI of 1883.

"102. On and from such a date as the Governor General in Council may, by notification in the *Gazette of India*, fix in this behalf, a Native of India who departs by sea out of British India under an agreement to labour for hire in any protected Native State adjoining the Straits Settlements to which the notification refers shall not be deemed to emigrate within the meaning of this Act."

Power for Governor General in Council to exempt emigration to Native States adjoining the Straits Settlements from Act.

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 5, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th June, 1884, and was referred to a Select Committee:—

No. 4 OF 1884.

THE RANGOON WATER-WORKS BILL, 1884.

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A Bill to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of water in that Town.

WHEREAS a scheme has been settled and to some extent carried out for the construction and maintenance of water-works and the supply of water to the Town of Rangoon by the Municipal Committee for that town;

And whereas it is necessary for the purposes of the scheme that the Royal Lake at Rangoon, and all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts and works, and all land, bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, should vest in, and be under the control of, the Municipal Committee for that town;

And whereas it is expedient that powers should be conferred and duties imposed upon the said Municipal Committee with respect to the construction and maintenance of the proposed water-works and the supply of water to the Town of Rangoon, and otherwise in relation thereto, and that all acts already done by the said Municipal Committee which could have been lawfully done if this Act had been in force should be validated;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. *(1)* This Act may be called the Rangoon Water-works Act, 1884; and

Short title and commencement.

(2) It shall come into force on the first day of January, 1885.

(3) But all acts done before that date which could have been lawfully done if this Act had been in force shall be deemed to have been lawfully done.

2. On and from the day on which this Act comes into force, the following amendments shall be made in the British Burma Municipal Act, 1874, section 13, namely:— VII of 1874.

Amendment of section 13 of the British Burma Municipal Act, 1874.

(*a*) the second paragraph shall be repealed; and

(*b*) in the 3rd paragraph, for the words "either of the rates" the words "the rate," and in the fourth paragraph, for the words "every rate" the words "the rate," shall be substituted.

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

Definitions.

(1) "town" means the local area for the time being comprised within the municipal limits of the Town of Rangoon, and includes the cantonment of Rangoon and the Central Jail:

(2) "public street" means any street, road, thoroughfare, passage or place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street: [Cf. Ben. Act IV of 1876, s. 3, & Act XXII of 1863, s. 2.]

(3) "owner" includes— [Cf. Ben. Act IV of 1876, s. 3.]

(*a*) the person who is for the time being entitled to the rent of the house or land in respect of which the word is used and who is not liable to pay rent for that house or land to any other person;

(*b*) an agent of that person; and

(*c*) a trustee for that person:

(4) "house" includes schools; also factories and other buildings in which persons are employed: [38 & 39 Vic., c. 55, s. 4.]

(5) "water-works" includes all lakes, streams, tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts and works, and all land, bridges, buildings, engines, works, materials and things for supplying, or used for supplying, water under this Act to the Town of Rangoon: [Cf. 38 & 39 Vic., c. 55, s. 4.]

(6) "the Committee" means the Municipal Committee for the Town of Rangoon for the time being constituted under the British Burma Municipal Act, 1874: VII of 1874.

(7) "water-rent" includes any rent, reward or payment to be made to the Committee in connection with the supply of water under this Act, but does not include the rate leviable under Chapter V: and

Rangoon Water-works Bill.
(Chapter II.—Vesting of Property. Sec. 4.)
(Chapter III.—Construction and Maintenance of Water-works. Secs. 5—8.)
(Chapter IV.—Supply of Water. Secs. 9—11.)

[26 & 27 Vic., c. 93, s. 12: Ben. Act IV of 1876, s. 130.]

(8) a "supply of water for domestic purposes" does not include a supply of water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains or for any ornamental purpose.

CHAPTER II.

VESTING OF PROPERTY.

4. There shall vest in, and be under the control of, the Committee, freed and discharged of and from all manner of rights, titles, privileges or claims whatsoever of any other person,—

Vesting of Royal Lake and cisterns, &c., in Committee.

[Cf. Bom. Act III of 1872, s. 64.]

(*a*) the Royal Lake at Rangoon and all the land adjacent thereto and included within the limits delineated in a plan deposited in the office of the Secretary to the Chief Commissioner and authenticated by the signature of the Chief Commissioner and marked A; and

[Cf. Ben. Act IV of 1876, s. 158.] [See also 38 & 39 Vic., c. 55, s. 64.]

(*b*) all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts and works, used or intended to be used for supplying water to the public in the town, and all land, bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto:

Provided as follows:—

(1) Any person may at any time, subject to such rules as the Committee make in this behalf, row, sail or fish on or in the waters of the Royal Lake:

(2) Nothing in this section shall affect the land adjacent to the Royal Lake and known as the Dalhousie Park, but that land shall be preserved as a public park for the use of the public.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS.

[Cf. 10 Vic., c. 17, s. 35.] [Ben. Act IV of 1876, s. 129.]

5. Subject to rules to be made under this Act by the Chief Commissioner, the Committee shall cause such mains and pipes to be laid, and such water-works to be constructed, as may be necessary for the supply of pure and wholesome water sufficient for the use of the inhabitants for domestic purposes in all parts of the town:

Duty of Committee to construct works for supply of water.

Provided that the Chief Commissioner may, by order in writing, from time to time exempt any part of the town from the provisions of this section, and cancel any such exemption.

[Cf. Ben. Act IV of 1876, s. 129.]

6. The Committee shall cause such stand-pipes or pumps to be erected at such intervals, as the Chief Commissioner, by rules made under this Act, prescribes, in all the chief public streets in those parts of the town in which mains or pipes have been laid under the last foregoing section.

Duty of Committee to erect stand-pipes.

7. The Committee may, for the purpose of constructing or maintaining any water-works for the supply of water to the town, enter upon any land and take levels of the same, and set out such parts thereof as they think necessary, and dig and break up the soil of the land:

Power for Committee to execute works.

Provided that, in the exercise of these powers, the Committee shall do as little damage as may be, and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870. X of 1870.

8. The Committee may open and break up the soil and pavement of the public streets, and lay down and place pipes, conduits, and other works and engines, and, from time to time, repair, alter or remove the same, and do all other acts which the Committee, from time to time, deem necessary for supplying water to the town.

Power for Committee to break up streets.

CHAPTER IV.

SUPPLY OF WATER.

A.—Supply of water for domestic purposes to Occupiers of Houses or Lands.

[Ben. Act V of 1876, s. 133.]

9. *(1)* Every occupier of a house or land situate in a part of the town not exempted under the proviso to section 5 shall be entitled to have free of further charge, through the communication-pipes constructed as hereinafter provided, a supply to the house or land of *fifteen hundred gallons* of pure and wholesome water for domestic purposes for every *rupee* paid to the Committee as hereinafter provided for water-rate on account of the house or land.

Right of occupier to certain supply of water for domestic purposes.

(2) If the Committee have reason to believe that the occupier of any house or land consumes more water than he is entitled to have free of further charge under this section, they may provide a water-metre at their own expense, and attach it to such part of the communication-pipes as they think fit.

(3) If the occupier consumes any water over and above the quantity to which he is entitled free of further charge under this section, he shall pay for it at the rate of *one rupee* for every *fifteen hundred gallons, or part of fifteen hundred gallons.*

[Ben. Act IV of 1876, s. 130.]

10. Every occupier of a house or land who is entitled to a supply of water free of further charge under the last foregoing section shall, subject to the following provisions, be entitled to have communication-pipes laid down from the service-pipes of the Committee, for bringing into his house or land a reasonable supply of water:

Right of occupier paying water-rate to bring water into his house or land.

Provided that the Committee may cut off the supply of water to any house or land while the house or land is unoccupied.

11. The communication-pipes leading the water from the service-pipes of the Committee into the house or land of any occupier, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material as the Committee fix and approve, and shall be constructed at the expense of the person requiring them.

Construction of communication-pipes.

Rangoon Water-works Bill.
(Chapter V.—Water-rates and Water-rents. Sec. 21.)

[Ben. Act IV of 1876, s. 146.]

Inspection of works, pipes and fittings before connection with service-pipes.

12. *(1)* Before a connection for the supply of water from the service-pipes of the Committee to any house or land is sanctioned by the Committee, the Committee shall cause all the works, pipes and fittings within the house or land to be inspected by such officer as the Committee appoint in this behalf.

(2) The cost of an inspection under this section shall be payable in advance by the person applying for the connection, at such rate as the Committee, at a special meeting, from time to time, direct.

(3) Until the officer has certified that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the Committee's service-pipes shall not be permitted.

[Ben. Act IV of 1876, s. 471.]

Connection with service-pipes to be executed only by an officer of the Committee.

13. *(1)* The connection with the service-pipes of the Committee, and the laying of communication-pipes under any public street, shall be executed by an officer of the Committee authorized in that behalf.

(2) The expense of making the connection shall be payable in advance by the person applying for the same, at such rates as the Committee, at a special meeting, from time to time, direct.

[Ben. Act IV of 1876, s. 138.]

Power for officer of Committee to enter premises.

14. *(1)* The officer authorized in that behalf by the Committee may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain if there is any waste or misuse of the water.

(2) If any such officer at any such time is refused admittance into any such house or land for the purposes aforesaid, or is prevented from making such examination as aforesaid, the Committee may forthwith turn off or cut off the water from the house or land.

[Ben. Act IV of 1876, s. 139.]

Power for Committee to turn off water when pipes are out of repair.

15. If any pipes, works or fittings connected with the supply of water to any house or land are at any time found, on examination, by any officer of the Committee authorized in that behalf, to be out of repair to such an extent as to cause any waste of water, the Committee may, after the expiry of twenty-four hours from the service of notice in writing to this effect, cause the water to be turned off or cut off from the house or land, and may recover the expense incurred for turning off the water from the occupier of the house or land.

B.—Supply for gratuitous use in Stand-pipes.

Duty of Committee to supply water for gratuitous use in stand-pipes.

16. The Committee shall cause a sufficient quantity of pure and wholesome water to be supplied for the gratuitous use of the inhabitants of the town for domestic purposes in the stand-pipes to be erected by the Committee under section 6.

C.—Supply of water for extinguishing fires and cleansing streets.

[Cf. 10 Vic., c. 17, s. 38.]

Duty of Committee to fix fire-plugs in mains.

17. The Committee shall fix and renew and keep in effective order such fire-plugs in such of the mains and other pipes laid by them, and shall deposit keys of the fire-plugs at such places, as the Chief Commissioner from time to time, by rules made under this Act, directs.

[Cf. 10 Vic., c. 17, s. 37.]

Duty of Committee to supply water for cleansing sewers and drains.

18. In all the mains and pipes to which any fire-plug is fixed, the Committee shall provide and keep constantly laid on, unless prevented by unusual drought or other unavoidable accident, a sufficient supply of water for use with fire-engines, for cleansing the sewers and drains, and for cleansing and watering the streets.

D.—Supply of Water for other than domestic purposes.

[Ben. Act IV of 1876, s. 132.]

Supply for other than domestic purposes.

19. *(1)* The Committee may, from time to time, supply any person with water by measurement for other than domestic purposes, for such remuneration and on such terms and conditions as shall be agreed on between the Committee and the person:

Provided that,—

(a) notwithstanding any such agreement, a person shall not be entitled to such a supply whenever and as long as the Committee are of opinion that the supply would interfere with the proper supply of water for domestic purposes under this Act; and

(b) the Committee shall not be liable, in the absence of express stipulation under any such agreement, to any forfeiture, penalty or damages for not supplying the water if the want of the supply arises from unusual drought or other unavoidable cause or accident.

(2) When any such agreement has been entered into by the Committee with any person, the Committee may, subject to such charges or rates as may have been fixed by the Committee at a special meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Committee, for supplying the person with water in accordance with the terms of the agreement.

E.—Pressure of water supplied.

[Cf. 10 Vic., c. 17, s. 35: Ben. Act IV of 1876, s. 131.]

Pressure at which water must be kept.

20. From such a day as the Chief Commissioner, by notification in the local official Gazette, directs in this behalf, the supply of water in the mains and pipes which the Committee are required to lay under this Act shall be laid on at such pressure as the Chief Commissioner, by rules made under this Act, prescribes.

CHAPTER V.

WATER-RATES AND WATER-RENTS.

[Cf. Act VII of 1874, s. 28.]

Power for Committee to impose water-rate.

21. *(1)* To provide for the supply of water under this Act the Committee may, by a resolution passed at a special meeting and confirmed by the Chief Commissioner, impose an annual rate on all houses and lands situate in the town or any part thereof not exceeding two per centum of their annual value calculated on such principles as the Chief Commissioner, by rules made under this Act, prescribes.

Rangoon Water-works Bill.
(Chapter VI.—Reciprocal Rights of Owners and Occupiers to supply of Water to Houses. Secs. 28—30.)

(2) It shall be at the option of the Committee, when a rate under sub-section *(1)* has been imposed, to levy in lieu thereof on any house of which the annual value is less than one hundred rupees an annual rate not exceeding one pie for every three square feet of the ground covered by the house.

(3) The rate leviable under this section in respect of any house or land shall be payable by the occupier of the house or land.

[Cf. Act VII of 1874, ss. 11 and 15.]

Power to abolish or reduce tax, or exempt from taxation.

22. The Committee, by a resolution passed at a special meeting and confirmed by the Chief Commissioner, may abolish or reduce in amount any tax imposed under the last foregoing section, or exempt any house or land, or description of house or land, from the tax.

Power to Chief Commissioner to suspend levy of tax.

23. *(1)* If it at any time appears to the Chief Commissioner, on complaint made or otherwise, that the tax imposed under section 21 is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious to the interests of the general public, or that any houses or lands, or description of houses or lands, should be exempted from the payment of the same, he may require the Committee to take within a specified period measures to remove the objection, or grant the exemption, as the case may be; and if within that period the requirement is not complied with to the satisfaction of the Chief Commissioner, he may, by notification in the local official Gazette, suspend the levy of the tax or of such part thereof until the objection has been removed or the exemption granted.

(2) The Chief Commissioner may at any time, by a like notification, rescind any such suspension.

[Cf. Act VII of 1874, s. 27.]

Constitution and application of water-supply fund.

24. *(1)* A separate fund, to be called the water-supply fund, shall be established, and there shall be credited to it the existing balance (if any) of the water-rate levied under section 13 of the British Burma Municipal Act, VII of 1874. 1874, the proceeds of the rate leviable under this chapter and all water-rents.

(2) The water-supply fund shall, subject to such rules as may be made by the Chief Commissioner in this behalf, be applicable at the discretion of the Committee to the supply of water in the town and to no other purpose.

[Cf. Act VII of 1874, s. 29.]

Custody of, and disbursement from, fund.

25. *(1)* The balance standing to the credit of the water-supply fund shall be kept in the Government treasury.

(2) No payment shall be made out of the fund except under the signature of the President or Vice-president and one other member of the Committee.

[Act VII of 1874, s. 44.]

Recovery of arrears of water-rates and water-rents.

26. All arrears of water-rates or water-rents under this Act may be recovered, on application to such Revenue-officer as the Local Government may appoint in this behalf, as if they were arrears of land-revenue.

[Ben. Act VI of 1876, s. 140.]

Power for Committee to turn off water on neglect to pay the rate or charge.

27. If any person supplied with water neglects to pay—

(a) the rate leviable under this chapter, or

(b) any water-rent payable by him to the Committee,

the Committee may turn off or cut off the water from the house or land in respect of which the rate or water-rent is payable, by cutting off the pipe to the house or land, or by such other means as the Committee think fit, and may recover in manner provided by the last foregoing section the expense of turning off or cutting off the water from the person:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

CHAPTER VI.

RECIPROCAL RIGHTS OF OWNERS AND OCCUPIERS TO SUPPLY OF WATER TO HOUSES.

[Ben. Act IV of 1876, s. 10.]

Power for occupier of house to require owner to provide works for water-supply.

28. *(1)* Any occupier holding direct from the owner of a house may, by notice in writing signed by him, require the owner of the house to construct all such works as may be necessary for bringing into the house a supply of water for domestic purposes.

(2) Every notice under this section shall contain an undertaking on the part of the occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of the works during the residue of his term of occupation.

(3) If the house, or the land attached thereto, does not abut upon a street in which there is a supply-main, the occupier shall undertake to pay the cost of connecting the house with the nearest supply-main.

[Ben. Act VI of 1876, s. 151.]

Power for occupier to make works in default of owner.

29. *(1)* If the owner does not, within three months from the service of the notice mentioned in the last foregoing section, cause such works as aforesaid to be completed, the occupier may cause the works to be completed, and may deduct the cost of the works from the rent payable by him in respect of the house:

Provided that the occupier shall not deduct from the rent on account of the cost—

(a) a sum exceeding the amount of six months' rent; or

(b) where the house or the land attached thereto does not abut upon a street in which there is a supply-main, the cost of connecting the house with a supply-main.

(2) The deduction which an occupier is authorized to make under this section shall be made by six equal monthly instalments.

(3) Interest on each instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem from the time when it is deducted.

[Ben. Act IV of 1876, s. 152.]

What works are sufficient for supply of water to house.

30. The works shall not be deemed sufficient for bringing into the house a supply of water for domestic purposes unless the following taps, with the necessary works in connection therewith, are provided, namely:—

(a) two taps in the house;

Rangoon Water-works Bill.
(Chapter VII.—Rules. Secs. 37—39.)

(*b*) one tap in the cook-room of, or other building attached to, the house, and

(*c*) one tap in or near the stables or other outhouses belong to the house:

Provided that, if the annual rent of the house with the buildings and land attached thereto is less than three hundred rupees, it shall be sufficient to provide one tap only, together with the necessary works in connection therewith, within the house and the buildings and land attached thereto.

[Ben. Act IV of 1876, s. 153.]

31. Works for introducing a supply of water to a house shall not be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such a specification and estimate to the owner.

Estimate and specification of works to be sent.

[Ben. Act IV of 1876, s. 154.]

32. If there is any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer the difference to the Committee, and the written award of any officer authorized by the Committee in this behalf shall be final and binding on the owner and the occupier.

Power to refer to Committee.

[Ben. Act IV of 1876, s. 155.]

33. There shall be payable by the person making a reference to the Committee under the last foregoing section a fee (not exceeding ten rupees) at the rate of two rupees for every hundred rupees of the monthly rent of the house in respect of the water-supply to which the difference has arisen.

Fee on reference.

[Ben. Act IV of 1876, s. 156.]

34. *(1)* The owner of any house or land shall keep all works connected with the supply of water to the house or land in substantial repair.

Duty of owner to keep works in repair.

(2) If the owner fails to put any such works in substantial repair after being requested by the occupier to do so, the occupier may cause the necessary repairs to be made, and may deduct the cost of the repairs from the rent payable by him in respect of the house or land.

[Ben. Act IV of 1876, s. 157.]

35. Any owner to whom any sum is payable under section 28 or section 29 may recover the sum from the person liable to pay it as if it were rent payable by that person for the house in respect of which the expenses have been incurred.

Power for owner to recover sums payable by occupier.

36. Nothing in this chapter shall affect any contract in writing between the owner and occupier of any house or land.

Saving of contracts between owners and occupiers.

CHAPTER VII.

RULES.

37. The Chief Commissioner may, from time to time, make rules consistent with this Act—

Power for Chief Commissioner to make rules.

(*a*) to prescribe the size and nature of the mains and pipes to be laid and the water-works to be constructed by the Committee for the supply of water under this Act;

(*b*) to prescribe the size and nature of standpipes or pumps to be erected by the Committee under this Act, and the intervals at which they must be erected;

(*c*) to prescribe the mains or pipes in which fire-plugs are to be fixed, and the places at which keys of the fire-plugs are to be deposited, by the Committee under this Act;

(*d*) to prescribe the pressure at which the water supplied by the Committee under this Act is to be laid on either generally or at specified times;

(*e*) to regulate the assessment and collection of the rates leviable under Chapter V, and the mode in which the proceeds of the rates are to be applied; and

(*f*) generally to define and regulate the powers and duties of the Committee under this Act.

38. *(1)* The Committee may, from time to time, at a special meeting make rules consistent with this Act—

Power for Committee to make rules.

(*a*) for regulating rowing, sailing and fishing on the Royal Lake; and

(*b*) for preventing the waste or misuse of water supplied by them, and for defining the nature of the pipes, casks, cisterns and other apparatus to be used by every person supplied by them with water.

In making a rule under this section the Committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues. [Act VII of 1874, s. 42.]

(2) If any person, having or requiring a supply of water from the Committee, fails to comply with any rules made under clause (*b*) of this section, the Committee may refuse to supply water to him, and may cut off the water supplied to him, unless and until the rules are complied with:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

39. *(1)* The Chief Commissioner or Committee shall, before making any rules under section 37 or section 38, publish a draft of the proposed rules for the information of persons interested.

Procedure for making rules.

(2) The publication shall be made—

(*a*) in the case of rules under section 37, in such manner as in the opinion of the Chief Commissioner is sufficient; and

(*b*) in the case of rules under section 38, in such manner as the Chief Commissioner, by order, directs.

(3) A notice shall be published with the draft rules specifying a date at or after which the draft shall be taken into consideration.

(4) The Chief Commissioner or Committee shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

Rangoon Water-works Bill.
(Chapter VIII.—Penalties.—Secs. 41—44.)

40. Every rule made under section 37 or section 38 shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and such publication shall be conclusive evidence that the rule has been made as required by section 39.

Publication of rules.

CHAPTER VIII.

PENALTIES.

[Cf. Ben. Act IV of 1876, s. 149.]

41. If any person unlawfully obstructs the flow of, flushes, draws off, diverts or takes, water from any water-works belonging to, or under the management or control of, the Committee, or from any water or streams by which these water-works are supplied, or wastes any water supplied to him under this Act, he shall be punished with fine which may extend to one hundred rupees.

Penalty for obstructing, diverting or wasting water.

[26 & 27 Vic., c. 93, s. 18.]

42. If any person—

Penalty for unauthorized application of water.

(*a*) uses for other than domestic purposes any water supplied under this Act for domestic purposes; or

(*b*) where water is supplied under section 19 for a specified purpose, uses that water for any other purpose,

he shall be punished with fine which may extend to fifty rupees, without prejudice to the right of the Committee to recover from him the price of the water misused.

Penalties for causing the water of the Committee to be fouled, &c.

43. *(1)* If any person— [Cf. Ben. Act IV of 1876, s. 159.]

(*a*) bathes in any water-works, or washes, throws or causes to enter therein any dog or other animal, or

(*b*) throws any rubbish, dirt, filth or other noisome thing into any water-works, or washes or cleanses therein any cloth, wool, leather or skin of any animal, or any clothes or other thing, or

(*c*) causes the water of any sink, sewer or drain, or of any steam-engine or boiler, or any other filthy water belonging to him or under his control, to turn or be brought into any water-works, or does any other act whereby the water in any water-works is fouled,

he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and to ten rupees in addition for each day (if more than one) during which the offence continues.

44. Prosecutions under this Act or the rules made under this Act may be instituted by the Committee or any person authorized by them in this behalf, and not otherwise. [Act VII of 1884, s. 44.]

Prosecutions.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill, which relates to the Rangoon water-works now in process of construction, is twofold.

2. The first is the vesting in the Municipal Committee for the Town of Rangoon of the Royal Lake at Rangoon and the water-works connected therewith. The Dalhousie Park, in which the lake is situated, was dedicated by the Marquis of Dalhousie to the use and recreation of the public. At present the public enjoy the privilege not only of boating and fishing, but also of bathing in the waters of the lake. As one of the main features of the scheme of the new water-works is that the town should be supplied with water for drinking as well as other purposes by a main led from the lake, it is essential to take steps for ensuring the purity of the water of the lake. The best means of doing this seems to be to vest the control of the lake in the Municipal Committee for the Town of Rangoon, to whom under the present scheme is assigned the duty of constructing and maintaining the new water-works. This is accordingly done by Chapter II of the Bill. In order, however, that the existing privileges of the public may not be interfered with more than is necessary to prevent any defilement of the water, the same chapter specially reserves the right of the public to row, sail or fish in or on the lake at any time, subject only to such rules as the Municipal Committee may make in this behalf. In order further to make it perfectly clear that nothing in the chapter affects the rights of the public with respect to the Dalhousie Park, a clause to this effect has been added.

3. The second object of this Bill is to confer powers and impose duties upon the Municipal Committee with respect to the construction and maintenance of the proposed water-works, and to the supply of water to the Town of Rangoon. And to this object the other provisions of the Bill are directed.

4. Chapter III deals generally with the construction and maintenance of the water-works. It imposes on the Committee a duty to construct the works necessary for supplying a sufficient quantity of pure and wholesome water for domestic purposes, and confers on them the requisite powers of entering private land and breaking up streets.

5. Chapter IV provides, first, for the supply of water for domestic purposes to occupiers of houses or lands. It declares the right of every occupier, in a part of the town in which it is the duty of the Committee to supply water, not only to a certain supply of water for domestic purposes, but also to have communication-pipes laid down for the purpose of bringing the water into his house or land. The communication-pipes must, however, be made to the satisfaction of a municipal officer, by whom also the connection with the service-pipes must be made. A municipal officer is also authorized to enter the premises at certain times and to

inspect the pipes and works connected with the supply of water; and, if the pipes and works are found to be at any time out of repair so as to cause any waste of water, the Municipal Committee are empowered, after notice, to cut off the supply of water to the house or land.

The chapter further imposes a duty on the Municipal Committee to supply a sufficient quantity of water for gratuitous use in stand-pipes.

Then the duty of the Committee to fix fire-plugs and supply water for cleansing sewers and drains is prescribed.

Next, there are provisions for the supply by measurement, under special agreement, of water for other than domestic purposes.

Lastly, there is a provision declaring that, on and after such day as the Chief Commissioner may fix, the water shall be kept at such pressure as the Chief Commissioner, by rules, prescribes. This provision cannot be put in force at once, inasmuch as the water is at present driven through the pipes by the force of gravitation only, and the pressure cannot, therefore, be artificially increased or reduced. But as it may, perhaps, be hereafter decided to provide the necessary tanks and pumping apparatus required to raise the pressure of the water, it has been thought advisable to insert a provision of this nature.

6. Chapter V deals with water-rates and water-rents. In lieu of the existing provisions on this subject contained in the British Burma Municipal Act, 1874, which are repealed by the Preliminary chapter of the Bill, this chapter empowers the Committee, with the sanction of the Chief Commissioner, to impose an annual water-rate on all houses and lands situate in the town, not exceeding two per cent. of their annual value, calculated on such principles as the Chief Commissioner by rule prescribes, and also empowers the Committee, with the like sanction, to abolish or reduce any such tax, or to exempt any houses or lands from taxation. The Chief Commissioner is authorized to suspend the levy of the tax if it appears to him that the tax is unfair in its incidence, or that the levy thereof or of any part thereof is obnoxious to the interests of the general public, or that any houses or lands should be exempted from payment of the same, and the Committee refuse to remove the objection or grant the exemption. The chapter also provides for the constitution and application of a water-supply fund, and for the recovery of arrears of water-rates and water-rents.

7. Chapter VI is concerned with the reciprocal rights of owners and occupiers in respect to the supply of water to houses. These provisions are modelled on the similar provisions in force in Calcutta, and may generally be described as empowering the occupier, after notice to and default by the owner, to construct such works as may be necessary for bringing into the house a supply of water for domestic purposes, and to deduct the cost from his rent. The occupier, however, will be required to pay, in addition to his rent, interest at the rate of one per cent. per month on the money expended by the owner on the construction of such works or recovered from him under the provisions just referred to. The other provisions of the chapter are subsidiary to the above, and among other matters provide for the reference of matters of difference between the owner and occupier to the Committee. Lastly, there is a clause saving from the chapter contracts in writing between the owners and occupiers of houses or lands.

8. Chapter VII empowers both the Chief Commissioner and the Committee to make rules for regulating subsidiary matters connected with the subject of the Bill, and prescribes the procedure for making such rules and the mode in which the rules are to be published; while Chapter VIII enacts penalties for obstructing, diverting, wasting or misusing and for fouling the water contained in the water-works, and provides for the institution of prosecutions under the Bill by the Committee.

9. Lastly, it may be noticed that, as the water-works to which the Bill relates have been to a great extent practically carried out, a clause has been inserted in the Preliminary chapter validating all acts already done which would have been lawful had the provisions of the Bill been in force.

The 11th June, 1884.

C. P. ILBERT.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th June, 1884:—

No. 5 OF 1884.

A Bill for the validation of certain licenses to solemnize Marriages granted to Ministers of Religion under Act XXV of 1864.

WHEREAS by section 4 of Act XXV of 1864 (*to provide further for the solemnization of Marriages in India of persons professing the Christian Religion*) it was enacted that, from and after the first day of July, 1864, certain Governments therein named should have authority to grant licenses to ministers of religion to solemnize marriages within the territories subject to such Governments respectively;

And whereas, in exercise of the authority so conferred, the Governments therein named granted licenses to certain ministers of religion to solemnize marriages;

And whereas Act XXV of 1864 was repealed by Act V of 1865 *(to provide for the solemnization of Marriages in India of persons professing the Christian Religion)*;

And whereas by section 9 of the latter Act it was enacted that, from and after the commencement of that Act, all marriages which should be solemnized in India otherwise than in accordance with the provisions of the fifth and sixth sections of that Act should be null and void;

And whereas by section 6 of the same Act it was enacted that marriages might be solemnized in India by (among other persons) any minister of religion who, under the provisions of that Act, had obtained a license to solemnize marriages;

And whereas Act V of 1865 was repealed by the Indian Christian Marriage Act, 1872; XV of 1872.

And whereas by section 4 of the latter Act it is enacted that every marriage between persons, one or both of whom is a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and that any such marriage solemnized otherwise than in accordance with such provisions shall be null and void;

And whereas by the next following section of the same Act it is enacted that marriages may be solemnized in India by (among other persons) any minister of religion licensed under the same Act to solemnize marriages;

And whereas neither in Act V of 1865 nor in the Indian Christian Marriage Act, 1872, was there or is there any provision either saving licenses granted under Act XXV of 1864 or permitting a marriage to be solemnized by a minister of religion who had obtained a license to solemnize marriages under Act XXV of 1864 only; XV of 1872.

And whereas certain marriages have been solemnized both while Act V of 1865 was in force and since the passing of the Indian Christian Marriage Act, 1872, by ministers of religion how had obtained licenses to solemnize marriages under Act XXV of 1864, but had never obtained licenses to solemnize marriages under Act V of 1865 or the Indian Christian Marriage Act, 1872, as the case may be, and doubts have therefore arisen as to the validity of such marriages; XV of 1872. XV of 1872.

And whereas it is expedient to remove such doubts and to declare the continued validity of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864;

It is hereby enacted as follows:—

Validation of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864.

1. A license to solemnize marriages granted to a minister of religion under Act XXV of 1864 shall be deemed, if in force on the date on which Act V of 1865 came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the date on which the Indian Christian Marriage Act, 1872, came into force, to have been since that Act came into force, and to be a license granted under that Act. XV of 1872.

STATEMENT OF OBJECTS AND REASONS.

BY section 4 of Act XXV of 1864 (*to provide further for the solemnization of Marriages in India of persons professing the Christian Religion*) it was enacted that, from and after the first day of July, 1864, the Governor General of India in Council, the Governors of Madras and Bombay in Council, and the Lieutenant-Governors of Bengal, the North-Western Provinces and the Panjáb should have authority to grant licenses to ministers of religion to solemnize marriages within the territories subject to such Governor General, Governors and Lieutenant-Governors respectively. In exercise of the authority conferred by this section, the Governments therein named licensed certain ministers of religion to solemnize marriages within the territories subject to them respectively. Act XXV of 1864 was repealed by Act V of 1865 (*to provide for the solemnization of Marriages in India of persons professing the Christian Religion*). The ninth section of this Act declared that, from and after the commencement of that Act, all marriages which should be solemnized in India otherwise than in accordance with the provisions of the fifth and sixth sections of the Act should be null and void; and the sixth section of the Act, which specified the persons by whom marriages might be solemnized in India, only permitted a minister of religion who, under the provisions of that Act, had obtained a license to solemnize marriages. Act V of 1865 was in turn repealed by the Indian Christian Marriage Act, 1872. The fourth section of this Act declares that every marriage between persons, one or both of whom is a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and that any such marriage solemnized otherwise than in accordance with such provisions shall be void; and the following section of the Act, which specifies the persons by whom marriages may be solemnized in India, only permits a minister of religion licensed under the Act to solemnize marriages. There was no provision in Act V of 1865, and there is none in the Indian Christian Marriage Act, 1872, either saving licenses granted under Act XXV of 1864 or permitting ministers of religion licensed under that Act only to solemnize marriages.

2. It has been brought to the notice of the Government that marriages have been solemnized in India, both since the commencement of Act V of 1865 and since the passing of the Indian Christian Marriage Act, 1872, by ministers of religion who were not licensed under either of these Acts but under the Act of 1864. As it seems to the Government that the effect of section 9 of the Act of 1865 and of section 4 of the present Act is to make such marriages of doubtful validity, and as it is desirable to remove such doubts, the present Bill has been prepared. It simply declares that a license to solemnize marriages granted to a minister of religion under Act XXV of 1864 shall be deemed, if in force on the date on which Act V of 1865 came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the date on which Act XV of 1872 came into force, to have been since that Act came into force, and to be, a license granted under that Act.

The 6th June, 1884.

C. P. ILBERT.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th June, 1884:—

No. 6 OF 1884.

A Bill to amend the Indian Salt Act, 1882.

WHEREAS it is expedient to exclude the Province of Sindh from the operation of those portions of the Indian Salt Act, 1882, which do not extend by their own operation to the whole of British India, and whereas it is also expedient to remove certain doubts which have been raised as to the meaning of the words "importation of salt" in section 27 of the same Act; It is hereby enacted as follows:—

XII of 1882.

1. From such day as the Governor of Bombay in Council, by notification in the official Gazette, fixes in this behalf, the words "to the Province of Sindh" and the word "Province," in paragraphs three and four respectively of section 1 of the Indian Salt Act, 1882, shall be repealed.

Repeal of words "to the Province of Sindh" and "Province" in section 1 of Act XII of 1882.

2. For the word "importation" in section 27 of the same Act, the word "bringing" shall be substituted.

Amendment of section 27 of the same Act.

STATEMENT OF OBJECTS AND REASONS.

1. THE object of this Bill is to make two amendments in the Indian Salt Act, 1882.

2. It has been found that certain provisions of the Indian Salt Act, 1882, are not suitable to the circumstances of the Province of Sindh, to which they at present extend, and it is proposed to replace them by an enactment to be passed by the local legislature providing for the requirements of the whole Presidency of Bombay inclusive of Sindh. It is doubtful, however, whether this course can be adopted until the words in section 1 of the Act which bring the Province of Sindh within the operation of those provisions have been repealed. Those words are accordingly repealed by section 1 of the Bill, and, in order that the repeal may be made to operate from the date on which the proposed new Act of the local legislature comes into force, it is left to the Governor of Bombay in Council to fix the date from which the section shall have effect.

3. The object of the amendment made by section 2 of the Bill is to remove a doubt as to the meaning of section 27 of the Act, raised by a ruling of the Judicial Commissioner in Sindh, who has held that the words "importation of salt" in that section cover only the bringing in of salt as merchandize for the purposes of commerce and in merchantable quantities. The Bill substitutes for the word "importation" the word "bringing."

The 19th June, 1884.

A. COLVIN.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th June, 1884:—

No. 7 OF 1884.

THE PANJÁB COURTS BILL, 1884.

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SCHEDULE.—ACTS REPEALED.

A Bill to amend the Law relating to Courts in the Panjáb.

WHEREAS it is expedient to amend the law relating to Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. *(1)* This Act may be called the Panjáb Courts' Act, 1884. Short title.

(2) It extends to all the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb; and Local extent.

(3) It shall come into force on the first day of October, 1884. Commencement.

2. On and from that day the Acts mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof. Repeal of Acts.

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

(1) "Assistant Judge" includes a Deputy Commissioner invested with the powers of an Assistant Judge.

(2) "Assistant Commissioner" includes Extra Assistant Commissioner.

(3) "Revenue Court" means the Court of a Financial Commissioner, of a Commissioner, of a Deputy Commissioner, of an Assistant Commissioner or of a Tahsíldár exercising jurisdiction in suits of any of the classes mentioned in section 48.

(4) "Interlocutory order" means an order not having the force of a decree under the Civil Procedure Code or any other enactment, nor being a judgment, order to give security, order of acquittal or order under the Code of Criminal Procedure for the disposal of property or the proceeds thereof, passed or made by a Criminal Court. XIV of 1882. X of 1882.

The Panjáb Courts Bill, 1884.
(Chapter II.—Of the Constitution of the Courts.—Sections 4-16.)

CHAPTER II.

OF THE CONSTITUTION OF THE COURTS.

4. Besides the Courts established under any other law for the time being in force, there shall be the following grades of Courts (namely) :— Grades of Courts.

(1) the Chief Court;
(2) the Divisional Court;
(3) the Court of the Assistant Judge;
(4) the Court of the Subordinate Judge of the first class;
(5) the Court of the Subordinate Judge of the second class;
(6) the Court of the Subordinate Judge of the third class;
(7) the Court of the Subordinate Judge of the fourth class.

[Act XVII of 1877, s. 5.]

5. The Chief Court shall consist of three or more Judges who shall be appointed by the Governor General in Council, and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing. Constitution of Chief Court and appointment and tenure of Judges.

[Act XVII of 1877, s. 6.]

6. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges: Rank and precedence of Judges of Chief Court.

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

7. *(1)* Each Divisional Court shall consist of two or more Judges who shall be appointed by the Local Government, and may be transferred, suspended or removed by the Local Government. Constitution of Divisional Courts.

(2) The Commissioner of a Division may be appointed Judge of a Divisional Court, in addition to his other duties.

8. *(1)* When the Commissioner of a Division is one of the Judges of a Divisional Court, he shall be deemed the Senior Judge of the Court. Seniority of Judges of a Divisional Court.

(2) The seniority of the other Judges shall be regulated by the seniority of their appointments as Judges of a Divisional Court:

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

9. *(1)* The Assistant Judges and the Subordinate Judges of the first class shall be appointed, and may be transferred, suspended or removed, by the Local Government. Appointment of Assistant Judges and Subordinate Judges.

(2) The Subordinate Judges of the second, third and fourth classes shall be appointed, and may be transferred, suspended or removed, by the Chief Court, subject to the control of the Local Government, and to rules which the Local Government is hereby empowered to make as to the qualifications of persons to be appointed to the office of Subordinate Judge.

(3) The present Munsifs shall be deemed to have been duly appointed, and shall be, Subordinate Judges under this Act, and their classification as Subordinate Judges of the second, third or fourth class shall be determined by the Chief Court.

[Act XVII of 1877, s. 7.]

10. Every person appointed under this Act to be or to act as Judge of a Divisional Court, Assistant Judge or Subordinate Judge shall, within the local limits of the jurisdiction of the Court to which he may, from time to time, be posted, have the powers of a Judge of a Divisional Court, of the Court of an Assistant Judge, or of the Court of a Subordinate Judge of the fourth class, as the case may be. Certain powers to be exercised *ex officio*.

[Act XVII of 1877, s. 8.]

11. *(1)* The Local Government may, from time to time, confer upon any Deputy Commissioner or Assistant Commissioner the powers of an Assistant Judge, or upon any Assistant Commissioner the powers of a Subordinate Judge of any class, or upon any Subordinate Judge not being an Assistant Commissioner the powers of a Subordinate Judge of the second or of the third class, or upon any Tahsíldár or Náib Tahsíldár the powers of a Subordinate Judge of the third or of the fourth class, and may withdraw any powers so conferred. Deputy Commissioners, Assistant Commissioners, Subordinate Judges, Tahsíldárs and Náib Tahsíldárs may be invested with powers.

(2) Any officer invested with powers under this section may exercise such powers in any district or sub-division of a district to which he may, from time to time, be posted.

[Act XVII of 1877, s. 9.]

12. The Local Government may, from time to time, confer upon any person all or any of the powers of a Court of any of the five grades last mentioned in section 4, and may withdraw any powers so conferred. Any person may be invested with certain powers.

[Act XVII of 1877, s. 10.]

13. *(1)* The Local Government may direct any three or more persons invested with powers of the same description under section 12 to sit together as a bench; and those powers shall, while such direction remains in force, be exercised by the bench so constituted, and not otherwise. Exercise of such powers by benches.

(2) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

[Act XVII of 1877, s. 11.]

14. Except for the purpose of exercising control over any other Court, any person or any bench exercising the powers of a Court of any grade under section 12 or section 13 shall be deemed to be a Court of such grade for all the purposes of this Act. Persons and benches exercising such powers to be deemed Courts of corresponding grades.

[Act XVII of 1877, s. 12.]

15. Any person or bench invested under section 11, section 12 or section 13 with the powers of a Court of any grade shall exercise such powers and discharge the functions of such Court within such local limits and in such classes of cases as the Local Government may, from time to time, direct. Such powers where and in what cases to be exercised.

[Act XVII of 1877, s. 13.]

16. The Local Government may, from time to time, by notification in the official Gazette, fix the local limits of the jurisdiction of any Court of any of the six grades last mentioned in section 4. Power to alter local limits of jurisdiction.

The Panjáb Courts Bill, 1884.
(Chapter III.—Of the Jurisdiction and Powers of the Chief Court.—Sections 17-24.)

CHAPTER III.

OF THE JURISDICTION AND POWERS OF THE CHIEF COURT.

[Act XVII of 1877, s. 14.]

Civil appeals from subordinate Courts.

17. The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

[Act XVII of 1877, s. 15; *Cf.* Crim. Pro. Code, ss. 4 (*i*) and 266.]

Criminal, appellate and revisional jurisdiction.

18. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial.

Power to try European British subjects.

[Act XVII of 1877, s. 16; Civil Pro. Code, s. 20.]

Power to withdraw and try, or to transfer, suits.

19. The Chief Court may, on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, or of its own motion, without giving such notice, withdraw any suit or other civil proceeding instituted in any Court under its superintendence or control, and try or dispose of such suit or proceeding itself, or transfer the same for trial or disposal to any other Court under its superintendence or control and competent to try or dispose of such suit or proceeding in respect of its nature and the amount or value of its subject-matter.

[Act XVII of 1877, s. 17.]

Appeals from original jurisdiction of Chief Court.

20. Except as otherwise provided by any law for the time being in force, an appeal shall lie from any decree or order passed or made by the Chief Court—

(*a*) in exercise of the original jurisdiction conferred by section 19; or

(*b*) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section:

Provided that such appeal shall lie only in the cases and in manner following (that is to say):—

(*c*) when such decree or order is made by a single Judge, an appeal shall lie, either to a bench consisting of two other Judges, or to the full bench, as the Court may, by general rule or special order, from time to time, direct;

(*d*) when such decree or order is made by a bench of Judges not being the full bench, and such Judges differ in opinion, the appeal shall lie from such decree or order to the full bench.

[Act XVII of 1877, s. 19, extended to Divisional Courts.]

Delegation of powers to its members.

21. *(1)* Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its Judges of any powers conferred on it, and for the exercise by one or more of the Judges of a Divisional Court of any of the powers conferred on that Court, by this Act, or by any other enactment for the time being in force:

Proviso.

Provided that no order not being an interlocutory order, and no decree, sentence or decision of any Court, shall be reversed by any Judge of the Chief Court or of a Divisional Court sitting alone.

(2) When the Chief Court consists of more than three Judges, it may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court, and may by these rules prescribe the mode of determining what Judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) The Chief Court may, from time to time, delegate to one of its Judges the power of determining, subject to any rules made under this section, what Judge in each case shall sit alone and what Judges of the Court shall constitute any bench of Judges. [See 24 & 25 Vic., cap. 104, s. 14.]

[Act XVII of 1877, s. 20.]

Rule of decision when Judges differ.

22. When there is a difference of opinion among the Judges composing any bench of the Chief Court on any question arising before such Judges in the exercise by them of any powers conferred on such Court by this Act, or by any other enactment for the time being in force, such question shall, except as otherwise provided by any enactment for the time being in force, be decided as follows, that is to say:

If the number of such Judges concurring in one opinion upon such question is larger than the number holding any other opinion upon such question, the decision shall be in accordance with the opinion of such larger number.

If the numbers of such Judges holding two or more opinions on such question are equal, the following rules shall be observed, that is to say:—

(*a*) if such bench is the full bench, or is exercising any original jurisdiction to which section 20 applies or is extended, the decision upon such question shall be in accordance with such one of these opinions as is held by the Judge who has precedence under section 6;

(*b*) in other cases the bench before which such question has arisen shall refer the same to the full bench, and the full bench shall decide the same in accordance with the rules hereinbefore contained, and the case in which such question has arisen shall be disposed of by the bench referring such question in accordance with the decision of the full bench thereon.

[Act XVII of 1877, s. 21.]

Power to refer question to full bench.

23. *(1)* Any single Judge of the Chief Court or any bench of Judges of such Court (not being the full bench) exercising any powers conferred on the Chief Court by this Act or by any other enactment for the time being in force may refer for the decision of the full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before such Judge or bench of Judges.

(2) Any Judge or bench making a reference on any question in any case under this section shall dispose of such case in accordance with the decision of the full bench on such question.

[Act XVII of 1877, s. 22.]

Power to appoint ministerial officers.

24. *(1)* The Chief Court may, from time to time, appoint a Registrar and Deputy Registrar and such other ministerial officers as may be necessary for the administration of justice by such Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

(2) The appointment of the Registrar shall be subject to the sanction of the Local Government.

The Panjáb Courts Bill, 1884.
(Chapter IV.—Of the Jurisdiction and Powers of the Subordinate Courts.—Section 34.)

[Act XVII of 1877, s. 23.]

Powers and duties of such officers.

25. The officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the Chief Court may, from time to time, direct.

[Act XVII of 1877, s. 24.]

Suspension and dismissal of such officers.

26. Any such officer may be suspended or dismissed from his office by order of the Chief Court:

Provided that neither the Registrar nor the Deputy Registrar shall be dismissed without the previous sanction of the Local Government.

[Act XVII of 1877, s. 25.]

Superintendence and control of subordinate Courts.

27. The general superintendence and control over all Courts of the six grades last mentioned in section 4, and over all Courts of Small Causes, shall be vested in, and such Courts shall be subordinate to, the Chief Court.

[Act XVII of 1877, s. 26.]

Power to make rules as to petition-writers.

28. *(1)* The Chief Court may, from time to time, make rules—

(*a*) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjáb;

(*b*) regulating the conduct of persons so practising.

(2) Whoever breaks any rule made under this section and having the force of law shall be liable, on conviction before a Magistrate, to a fine which may extend to fifty rupees.

[Act XVII of 1877, s. 27; see also Criminal Procedure Code, s. 553, and Civil Procedure Code, s. 652.]

Power to make rules as to other matters.

29. The Chief Court may, from time to time,—

(*a*) make rules consistent with this Act conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a ministerial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

(*b*) make rules consistent with this Act to determine in what cases pleaders practising in such Courts shall be permitted to address such Courts in English;

(*c*) prescribe forms for seals to be used by such Courts;

(*d*) prescribe forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in such Courts or submitted to any authority;

(*e*) make rules consistent with this Act providing for the inspection of such Courts and the supervision of the working thereof;

(*f*) make such rules consistent with this Act, institute such enquiries and submit such recommendations to the Local Government as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of such Courts and maintaining proper discipline among such officers.

[Act XVII of 1877, s. 28.]

Registers, books, accounts and statements to be kept and furnished by Chief Court.

30. *(1)* The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of the same registers, books and accounts, and statements of the work done in the Court, as may, from time to time, be required by the said Government

(2) The Chief Court shall also comply with such requisitions as may, from time to time, be made by the Governor General in Council, or by the Local Government, for certified copies of, or extracts from, the records of the Courts.

[Sec. 29, Act XVII of 1877, and ss. 638 and 639, Civ. Pro. Code.]

Chief Court to take evidence and record judgments according to its own rules, and to frame forms for proceedings.

31. *(1)* The Chief Court, when sitting as a Court of civil judicature, shall take evidence and record judgments and orders in such manner as it, by rule, from time to time, directs, and may, from time to time, frame forms for any proceeding in that Court in the exercise of its civil jurisdiction.

XIV of 1882.

(2) The following provisions of the Civil Procedure Code shall not apply to the Chief Court in the exercise of its original civil jurisdiction, namely, sections 119, 182 to 185 (both inclusive), 187, 189 to 191 (both inclusive), 192 (so far as it relates to the manner of taking evidence), 198, 200 to 204 (both inclusive), and so much of section 409 as relates to the making of a memorandum;

And sections 571 to 573 (both inclusive), 554 (so far as it relates to the time of dating and signing judgment) and 579 shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

[Act XVII of 1877, s. 29.]

XIV of 1882.

Non-judicial acts may be done by Registrar.

32. *(1)* Any non-judicial or quasi-judicial act which the Civil Procedure Code requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394 of that Code, may be done by the Registrar of the Court, or by such other officer of the Court as the Court may direct to do such act.

(2) The Chief Court may, from time to time, by rule, declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

[New. *Cf.* s. 199, Civ. Pro. Code.]

Delivery of judgment in the absence of Judge who recorded it.

33. When any appeal, reference or case heard in the exercise of revisional jurisdiction has been heard by a bench consisting of two or more Judges, a judgment or dissent written by any member of the bench, but not pronounced, may be delivered by any other member of that bench.

CHAPTER IV.

OF THE JURISDICTION AND POWERS OF THE SUBORDINATE COURTS.

[Sec. 30, Act XVII of 1877.]

Controlling powers of Divisional Court and of Assistant Judges.

34. Subject to the general superintendence and control of the Chief Court—

every Divisional Court shall control (*a*) the Courts of all Assistant Judges or officers invested with the powers of an Assistant Judge within its division, and (*b*) the Courts controlled by the Assistant Judges or Deputy Commissioners invested with the powers of an Assistant Judge within its division;

and, subject to the control of the Divisional Court—

every Assistant Judge and every Deputy Commissioner invested with the powers of an Assist-

The Panjáb Courts Bill, 1884.
(Chapter IV.—Of the Jurisdiction and Powers of the Subordinate Courts.—Sections 35-41.)

ant Judge shall control (*a*) all Courts of the four grades last mentioned in section 4, and all Courts of Small Causes, and (*b*) all Courts of persons other than the Deputy Commissioner of a district invested under section 11 or section 12 with the powers of an Assistant Judge within the area subject to his jurisdiction.

Principal Court of original jurisdiction.

35. Except as otherwise provided by any enactment for the time being in force, the Divisional Court shall be deemed to be the District Court or principal civil Court of original jurisdiction in its division:

Provided that the Local Government may empower any Assistant Judge or any Deputy Commissioner invested with the powers of an Assistant Judge to exercise all or any of the powers of a District Court within the area subject to his jurisdiction.

[Act XVII of 1877, s. 32.]

36. Except as otherwise provided by any enactment for the time being in force—

No pecuniary limits of jurisdiction of Divisional Court or of Assistant Judge.

(1) the Divisional Court, and (2) the Court of the Assistant Judge, shall have jurisdiction for the adjudication of original civil suits without limit as regards the amount or value of the subject-matter of such suits; and

Pecuniary limits of jurisdiction of other Courts.

each of the Courts mentioned in the first column of the subjoined table shall have jurisdiction for the adjudication of civil suits when the amount or value of the subject-matter of such suits does not exceed the limit prescribed for such Court in the second column of the table:—

COURT.	Limit of jurisdiction.
	Rs.
(*a*)—The Court of the Subordinate Judge of the first class.	5,000
(*b*)—The Court of the Subordinate Judge of the second class.	1,000
(*c*)—The Court of the Subordinate Judge of the third class.	500
(*d*)—The Court of the Subordinate Judge of the fourth class.	100

[Section 33, Act XVII of 1877.]

Powers of Divisional Court and of Court of Assistant Judge.

37. (*1*) Any Divisional Court or any Assistant Judge, or Deputy Commissioner invested with the powers of Assistant Judge, may exercise, as regards the Courts under its or his control, the same powers of withdrawal, trial, disposal and transfer as are conferred by section 19 on the Chief Court.

(*2*) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

(*3*) The Local Government may, from time to time, confer upon any Assistant Commissioner the powers of an Assistant Judge under this section, and withdraw the same.

[Section 34, Act XVII of 1877.] XIV of 1882.

Power to distribute business.

38. Notwithstanding anything contained in the Code of Civil Procedure, every Divisional Court, Assistant Judge or Deputy Commissioner invested with the powers of Assistant Judge may, by written order, direct that any civil business cognizable by it or his Court and the Courts under its or his control (including the execution of decrees) shall be distributed among such Courts in such manner as it or he thinks fit:

Provided that no direction issued under this section shall empower any Court to exercise any jurisdiction in any suit of which the amount or value of the subject-matter exceeds its proper jurisdiction:

Provided also that no such direction shall be inconsistent with any direction or notification issued by the Local Government under section 15 or 16.

[Section 35, Act XVII of 1877.]

Ministerial officers of subordinate Courts.

39. (*1*) The ministerial officers of the Divisional Court and of the Courts of Assistant Judges and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively, whose orders in such matters shall, in the case of a Divisional Court, be final, and in the case of any other Court be subject to the general control of the Divisional Court.

(*2*) The ministerial officers of all Courts controlled by an Assistant Judge, other than a Court of Small Causes, shall be appointed, and may be suspended and dismissed, by the Assistant Judge, subject to the general control of the Divisional Court.

(*3*) Every appointment under this section shall be subject to such rules as the Local Government, from time to time, prescribes in this behalf.

[Act XVII of 1877, s. 36.]

Power to fine ministerial officers.

40. (*1*) The Judge or presiding officer of every Court under the control of an Assistant Judge may fine, in an amount not exceeding one month's salary, any of the ministerial officers of such Court who is guilty of misconduct or neglect in the performance of the duties of his office.

(*2*) The Assistant Judge, subject to the general control of the Divisional Court, may, on appeal or otherwise, reverse or modify any such order made by any such Judge or officer, other than a Judge of a Court of Small Causes; and may of his own motion fine up to the amount of one month's salary any ministerial officer of any Court under his control other than a Court of Small Causes.

(*3*) Any Divisional Court or Assistant Judge, and the Judge of any Court of Small Causes, may fine any ministerial officer of his Court in an amount not exceeding one month's salary.

[New. *Cf.* Act VII of 1871, s. 29, and Act XIII of 1879, s. 24.]

Power to invest with Small Cause Court jurisdiction.

41. The Local Government may invest, within such local limits as it, from time to time, fixes, any Assistant Judge or Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second or third class with similar jurisdiction up to the amount of fifty rupees; and may, whenever it thinks fit, withdraw the jurisdiction so conferred.

The Panjáb Courts Bill, 1884.
(Chapter V.—Of Appellate Jurisdiction in Civil Cases.—Sections 42-47.)
(Chapter VI.—Of Revenue Courts.—Section 48.)

CHAPTER V.

OF APPELLATE JURISDICTION IN CIVIL CASES.

First appeals to whom to lie.

42. (*1*) Appeals from the decrees and orders of a Court of any of the three grades last mentioned in section 4 in suits of the nature cognizable in Courts of Small Causes, and in suits of any other class which the Chief Court, with the sanction of the Local Government, may, from time to time, determine to place on the same footing, shall, when such appeals are allowed by law, and the value or amount of the subject-matter of the suit does not exceed five hundred rupees, lie to the Court of the Assistant Judge.

(*2*) Appeals from the decrees and orders of the Court of the Assistant Judge in original suits, when the amount or value of the subject-matter of the suit exceeds five thousand rupees, and appeals from the decrees and orders of the Divisional Court in original suits, shall, when such appeals are allowed by law, lie to the Chief Court.

(*3*) Appeals from decrees and orders in original suits not hereinbefore provided for shall, when such appeal is allowed by law, lie to the Divisional Court.

Further appeal to lie to the Chief Court on the certificate of the Divisional Court that the case is a fit one for further appeal.

43. When two Judges of a Divisional Court are unable to concur in a judgment varying or reversing the decree or order appealed against, or when some question of law or custom, or of general interest, is involved, the Judges may, if they regard the case as of sufficient importance to justify a further appeal, or if, when the certificate is applied for, one of the Judges who passed the decree is no longer attached to the Court, the remaining Judge may, if he regards the case as of sufficient importance to justify a further appeal, grant a certificate to any party to the appeal that the case is a fit one for a further appeal; and on such certificate being granted a further appeal shall lie to the Chief Court from the decree or order of the Divisional Court on any ground which would be a good ground of appeal if the decree or order had been passed in an original suit:

Provided that no further appeal shall lie in any suit of the nature cognizable in Courts of Small Causes, or other suit placed on the same footing under section 42 when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees.

XIV of 1882.

Appellate decision of Assistant Judge or Divisional Court otherwise final.

44. Subject to the provisions of section 43, and of the Code of Civil Procedure, sections 595 and 622, the decision of the Court of the Assistant Judge or of the Divisional Court passed in appeal shall be final.

[*Cf.* Act XIII of 1879, s. 22.]

Appeals from decrees, &c., passed before Act comes into force.

45. For the purposes of sections 42 and 23, all decrees, orders and decisions passed before the date on which this Act comes into force shall be deemed—

(*a*) if passed by a Commissioner or Additional Commissioner, or by the Civil Judge of Pesháwar, to have been passed by the Divisional Court;

(*b*) if passed by a Deputy Commissioner or other officer invested with the appellate jurisdiction of a Deputy Commissioner, to have been passed by an Assistant Judge;

(*c*) if passed by an Assistant Commissioner with full powers, to have been passed by a Subordinate Judge of the first class;

(*d*) if passed by an Assistant Commissioner not invested with full powers or with the appellate powers of a Deputy Commissioner, or by an Honorary Civil Judge, or by a Tahsíldár or Náib Tahsíldár, to have been passed by a Subordinate Judge of the second, third or fourth class:

Provided that—

(*1*) no right of appeal which has accrued under the existing law shall be taken away, and no certificate shall be required for a further appeal;

(*2*) if the amount or value of the subject-matter of the suit exceeds five thousand rupees, the appeal, if any is allowed by law, shall lie to the Chief Court; but in other cases in which the appeal now lies to the Commissioner's Court, the appeal shall lie to the Divisional Court.

[Act XVII of 1877, s. 40.]

Period of limitation.

46. (*1*) The period of limitation for an appeal under section 41 or section 42 shall run from the date of the decree, order or decision appealed against, and shall be as follows, that is to say:—

(*a*) when such appeal lies to the Court of the Assistant Judge or to the Divisional Court—sixty days.

(*b*) when such appeal lies to the Chief Court—ninety days.

(*2*) In computing such periods of sixty and ninety days, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877. XV of 1877.

[Act XVII of 1877 s. 41.]

Power to withdraw and try or to transfer appeal.

47. The Chief Court, the Divisional Court or the Court of an Assistant Judge may, on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, or of its own motion, without giving such notice, withdraw any civil appeal pending in any Court under its superintendence or control, and try such appeal itself, or transfer the same for trial to any other Court under its superintendence or control and of a grade equal or superior to that of the Court from which such appeal is withdrawn.

CHAPTER VI.

OF REVENUE COURTS.

Certain classes of suits cognizable by Revenue Courts only.

48. Suits of any of the following classes instituted on and after the first day of October, 1884, shall be heard and determined in Revenue Courts and not otherwise:

(*a*) suits by tenants to establish a claim to a right of occupancy under Chapter II of the Panjáb Tenancy Act, 1868; XXVIII of 1868.

(*b*) suits by landlords under section 6 of the same Act to prove that a tenant presumed to have a right of occupancy under that section has no such right;

(*c*) suits for enhancement or abatement of rent under Chapter III of the same Act;

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(Chapter VI.—Of Revenue Courts.—Sections 49-55.)

(*d*) suits for ejectment of a tenant under Chapter IV of the same Act;

(*e*) suits under section 25 of the same Act to contest liability to be ejected when notice of ejectment has been served;

(*f*) suits under section 40 of the same Act to determine the amount or value of the compensation to be paid or the terms of a lease to be granted to a tenant under section 39 of the same Act, or both;

(*g*) suits for arrears of rent on account of land, or on account of any rights of pasturage, forest-rights, fisheries or the like;

(*h*) suits for the recovery of any over-payment of rent;

(*i*) suits by lambardárs for arrears of land-revenue, payable through them by the co-sharers, or for village-expenses or other dues for which the co-sharers may be responsible to the lambardár;

(*j*) suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses, or for a settlement of accounts;

(*k*) suits by assignees of land-revenue for arrears of revenue due to them as such;

(*l*) suits by superior proprietors for arrears of revenue due to them as such; and

I of 1877. (*m*) suits under section 9 of the Specific Relief Act to recover possession of land assessed to the land-revenue or liable to be so assessed, or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned.

49. If in any suit of any of the classes mentioned in clauses (*a*) to (*l*) of the last preceding section it appears that the parties are at issue on any question of proprietary title, or on the question of the existence of the relation of landlord and tenant between them, the Revenue Court shall not determine such question, but may either proceed to decide the case by passing a decree contingent upon the determination of such question by a Civil Court, giving such directions as it may think proper as to the party with whom it shall rest to institute a suit for the purpose, or, on the application of either party, may stay proceedings to enable the party applying to institute a suit for the purpose in a Civil Court; but the proceedings shall not be stayed under this section for more than three months unless such suit is in the meantime instituted; nor, when a decree has been passed contingent upon the determination of such question by a Civil Court, shall any execution be issued, property sold or person ejected or imprisoned thereunder until the receipt of a copy of the judgment of the Civil Court on the question, unless the decree has been passed against the party whose duty it is to sue and he fails to institute the suit for more than three months from the date of the decree.

Procedure when question of proprietary title or of existence of relation of landlord and tenant arises.

50. All Assistant Commissioners and Tahsíldárs shall have power to try suits of the classes mentioned in section 48, clauses (*g*), (*i*), (*k*) and (*l*), when the amount or value of the claim does not exceed one hundred rupees; and the Local Government may invest Náib Tahsíldárs with the same powers.

Certain revenue powers of Assistant Commissioners and Tahsíldárs to be exercised *ex officio*.

51. The Local Government may invest any Assistant Commissioner or Tahsíldár with power to try all suits of the classes mentioned in the same section, clauses (*d*) and (*f*) to (*m*), both inclusive.

Additional powers with which Assistant Commissioners and Tahsíldárs may be invested.

52. The Deputy Commissioner shall have power to try suits of any of the classes mentioned in section 48, and the Local Government may specially invest any Assistant Commissioner with the powers of a Deputy Commissioner for the trial of suits of the classes mentioned in clauses (*a*), (*b*), (*c*) and (*e*) of the same section.

Revenue powers of Deputy Commissioners and power to invest Assistant Commissioners therewith.

53. *(1)* The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in cases under this chapter for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts. [*Cf.* Act XVIII of 1881, s. 19.] XIV of 1883.

Procedure of Revenue Courts how to be regulated.

(2) Until such rules are made, Revenue Courts shall be guided in cases under this chapter by the provisions of the Code of Civil Procedure, section 2, Part I, except Chapters XVI and XX, Parts II, III and IV, Chapters XXXVII and XXXVIII, XLI, XLIII and XLIV, and Parts VIII and X, so far as applicable; and the Court of the Financial Commissioner shall, in respect of such cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under his control, the same powers of withdrawal, trial, disposal and transfer as are conferred by sections 19 and 47 on the Chief Court; and the Commissioner and Deputy Commissioner shall respectively exercise, as regards the Courts under his control, the same powers of withdrawal, trial, disposal and transfer as are conferred by sections 57 and 47 upon a Divisional Court and an Assistant Judge. XIV of 1882.

54. Every Commissioner or Deputy Commissioner may, by written order, direct that any business cognizable under this chapter by his Court, and the Courts under his control (including the execution of decrees) shall be distributed among such Courts in such manner as he thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any jurisdiction which it is not empowered to exercise under section 50, section 51 or section 52.

55. All decisions and orders (except decisions and orders in suits under section 9 of the Specific Relief Act) of Assistant Commissioners not invested with the powers of a Deputy Commissioner under section 52, and of Tahsíldárs, shall be appealable to the Deputy Commissioner, whose order thereon shall be final, unless when the amount or value of the subject-matter exceeds one hundred rupees, when a

Cases appealable to Deputy Commissioner. I of 1877.

The Panjáb Courts Bill, 1884.
(Chapter VI.—Of Revenue Courts.—Sections 56-64.)

further appeal shall lie to the Commissioner, or, in case the amount or value of the subject-matter exceeds five thousand rupees, to the Financial Commissioner.

Further appeal in certain cases.

56. *(1)* All decisions and orders of Deputy Commissioners and Assistant Commissioners invested with the powers of a Deputy Commissioner in suits of the classes mentioned in clauses (*a*), (*b*), (*c*) and (*e*) of section 48, and in other suits (except suits under section 9 of the Specific Relief Act) in which the value of the subject-matter exceeds one hundred rupees, shall be appealable to the Commissioner, or in case the amount or value exceeds five thousand rupees, to the Financial Commissioner.

Cases appealable to Commissioner or Financial Commissioner. I of 1877.

(2) In all other cases their judgments and orders shall be final.

Other judgments to be final.

57. An appeal from the decisions of the Commissioner on appeals in suits of the classes mentioned in clauses (*a*), (*b*), (*c*) and (*e*) of section 48 shall lie to the Financial Commissioner, unless when the Commissioner dismisses the appeal. All other judgments and orders of the Commissioner on appeals shall be final, subject to revision by the Financial Commissioner.

Further appeal to Financial Commissioner in certain cases.

Other judgments of Commissioner to be final.

58. The Financial Commissioner may at any time call for any case which has come before any Commissioner or any Court subordinate to him, and pass such orders thereon consistent with the law applicable thereto as he thinks fit.

Revisional jurisdiction of Financial Commissioner.

59. *(1)* The period of limitation for an appeal under section 55, section 56 or section 57 shall run from the date of the decree, order for decision appealed against, and shall be as follows, that is to say:—

Limitation of appeals under this chapter.

(*a*) when such appeal lies to the Court of the Deputy Commissioner or of the Commissioner—sixty days;

(*b*) when such appeal lies to the Financial Commissioner—ninety days.

(2) In computing such periods of sixty and ninety days, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877. XV of 1877.

60. Subject to the general superintendence and control of the Financial Commissioner, every Commissioner shall control the Revenue Courts of all Deputy Commissioners and the Revenue Courts controlled by Deputy Commissioners within his Division; and

Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.

subject to the control of the Commissioner, every Deputy Commissioner shall control the Revenue Courts of all Assistant Commissioners and Tahsíldárs and officers invested with the powers of Deputy Commissioner, Assistant Commissioner or Tahsíldár within his District.

61. Except for the purpose of exercising control over any other Revenue Court, any person exercising the powers of a Revenue Court of any grade under section 49 or section 51 shall be deemed to be a Court of such grade for all the purposes of this Act, and shall exercise such powers and discharge the functions of such Court within such local limits and in such classes of cases as the Local Government may, from time to time, direct.

Persons invested with powers under this chapter to be deemed to be Courts of corresponding grades, and where and in what cases to exercise their powers.

62. When more than one Financial Commissioner is appointed, the Local Government may, from time to time, make rules as to the distribution of revenue, judicial and other business between the persons so appointed; and, until such rules are made, the Financial Commissioner who is senior in respect of his appointment as such may transfer such business as he thinks fit to the other Financial Commissioner for disposal, and may withdraw and himself dispose of any business so transferred and not disposed of.

Distribution of business between Financial Commissioners.

63. If either Financial Commissioner desires to obtain the opinion of the other upon any question arising in any appeal under this chapter pending before him, he may forward the record to the other Financial Commissioner with a statement of the question upon which he desires his opinion; and the latter, after such examination and such hearing (if any) as he thinks fit, shall record his opinion upon the question referred to him; and the Financial Commissioner who made the reference shall proceed to dispose of the appeal after considering the opinion so obtained.

Consultation between Financial Commissioners.

64. *(1)* The Local Government may, from time to time, by notification in official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling such settlement, either by name or in virtue of his office, with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of such land, arising in such local area. [Act XVII of 1877, s. 49.]

Power to invest Settlement-officers with powers of Civil or Revenue Courts in certain cases.

(2) The publication of any notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

(3) The Local Government may cancel any such notification.

(4) While such notification continues in force, such powers shall be exercised by the officers so invested, and not otherwise:

Provided that the Local Government may, by order published in the official Gazette, direct that any jurisdiction with which any officer may have been invested by such notification shall be exercised solely by the Court by which such jurisdiction would have been exercised if such notification had not been published:

Provided also that any cases pending before any officer under such notification when it is cancelled may, notwithstanding such cancellation, be

The Panjáb Courts Bill, 1884.
(Chapter VII.—Miscellaneous and Supplementary Provisions.—Sections 65-73.)

disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that such cases shall be transferred for disposal to the Court by which they would have been disposed of if such notification had not been published.

Explanation.—In this section "land" means land assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village.

[Act XVII of 1877, s. 50.]

Power to alter subordination of Courts for purposes of section 64.

65. For the purposes of section 64 the Local Government may, notwithstanding anything in this Act, from time to time direct that any of the Courts mentioned in this Act (except the Chief Court) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those specified in this Act.

CHAPTER VII.

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

[Act XVII of 1877, s. 46; compare Act VI of 1871, s. 25; Act XVII of 1875, s. 19; and Act XIII of 1879, s. 23.]

Presiding Officer of Court not to try certain suits and appeals.

66. *(1)* Except with the consent of the parties, no presiding officer of any Court having jurisdiction under this Act shall try any suit or appeal to which he is a party or in which he is personally interested, or any appeal against a decree or order passed by himself, or shall adjudicate upon any proceeding connected with or arising out of such suit or appeal.

(2) When any such suit, appeal or proceeding comes before him, he shall forthwith transmit the record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

(3) The superior Court shall thereupon dispose of the case in the manner prescribed by section 25 of the Code of Civil Procedure. XIV of 1882.

[Act XVII of 1877, s. 47.]

Rules when to have force of law.

67. All rules made and forms prescribed under section 28 and section 29, clauses *(a)*, *(b)*, *(d)* and *(e)*, shall be submitted for sanction to the Local Government, and, on receiving such sanction, shall be published in the official Gazette, and shall thereupon have the force of law.

[Act XVII of 1877, s. 48.]

Local Government may transfer power conferred by section 27 to a single Judge.

68. *(1)* The Local Government may, from time to time, with the previous sanction of the Governor General in Council, by notification in the official Gazette, appoint a single Judge of the Chief Court to exercise the power of superintendence conferred on such Court by section 27, and may cancel such notification.

(2) While such notification continues in force, such power shall be exercised by the Judge appointed thereby, and not otherwise.

[*Cf.* Act XIII of 1879, s. 27.] IV of 1869.

Jurisdiction under Divorce Act.

69. For the purposes of the Indian Divorce Act, any Judge of the Divisional Court shall be deemed to be the District Judge throughout the Division over which that Court has jurisdiction.

[Act VI of 1871, s. 17; Act XIII of 1879, s. 38].

Vacations.

70. *(1)* Subject to such orders as may, from time to time, be issued by the Governor General in Council, and to the approval of the Local Government, the Chief Court shall prepare a list of days to be observed in each year as close holidays in the Civil Courts subordinate thereto.

(2) Such list shall be published in the official Gazette, and the said days shall be observed accordingly.

Pending proceedings.

71. *(1)* All cases or proceedings pending in any Civil Court on the first day of October, 1884, may be disposed of as if this Act had not been passed, unless the Chief Court directs (as it is hereby empowered to do) that such cases or proceedings shall be transferred for disposal to the Courts established under this Act which would have had jurisdiction if they had been in existence when such cases or proceedings were instituted.

(2) For the purposes of this section, all appeals in civil suits or proceedings pending on the said day shall—

(a) if preferred from the decrees, orders or decisions of Commissioners, Additional Commissioners or the Civil Judge of Peshâwar be deemed to be appeals from the Divisional Court;

(b) if preferred from the decrees, orders or decisions of Deputy Commissioners or officers invested under section three of Act XIV of 1875 with the appellate powers of Deputy Commissioners, or with the full powers of an Assistant Commissioner, be deemed to be appeals from the Court of the Assistant Judge; and

(c) if preferred from the decrees, orders or decisions of Assistant Commissioners not invested with full powers, or with the appellate powers of Deputy Commissioners, or of Honorary Civil Judges not invested with the full powers of an Assistant Commissioner, or of Tahsíldárs or Náib Tahsíldárs, be deemed to be appeals from Subordinate Judges of the second, third or fourth class.

Explanation of sections 617 and 622, Civil Procedure Code.

72. For the proposes of sections 617 and 622 of the Civil Procedure Code, the decree of an Appellate Court subordinate to the Chief Court shall be deemed to be final when no certificate permitting a further appeal to the Chief Court under section 43 has been granted, and a case decided by an Appellate Court in which no such certificate has been granted shall be deemed to be a case in which no appeal lies to the Chief Court. XIV of 1882.

Amendment of the first schedule annexed to the Court-fees Act, 1870.

73. To the first schedule annexed to the Court-fees Act, 1870, the following shall be added :— VII of 1870.

NUMBER.		PROPER FEE.
3. Application to the Chief Court of the Panjáb for the exercise of its revisional jurisdiction under section 622 of the Code of Civil Procedure.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on memorandum of appeal.

The Panjáb Courts Bill, 1884.
(Chapter VII.—Miscellaneous and Supplementary Provisions.—Sections 74-75.)

Refund of fee paid on application for revision.

74. If the Chief Court, on an application under section 622 of the Civil Procedure Code, on which a fee has been paid under the last preceding section, sets aside or modifies the decree or order of a subordinate Court, or remands the case for a fresh decision, it may grant to the applicant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the application, or any smaller amount which, with regard to the circumstances of the case, it may think proper to order to be refunded. XIV of 1882.

Saving of certain appointments, rules and forms, notifications, powers and orders.

75. All appointments made under sections 5 and 22 of Act XVII of 1877, directions given under section 23, rules and forms prescribed under sections 26 and 27, and notifications published, powers conferred and orders issued under section 49, of the same Act, shall, so far as may be, be deemed to have been respectively made, given, prescribed, published, conferred and issued under this Act.

SCHEDULE.

ACTS REPEALED.

(See section 2.)

Number and year.	Title of Act.	Extent of repeal.
Act IV of 1869.	The Indian Divorce Act.	So much of section 3 as defines "District Judge" in the Panjáb to mean the "Commissioner of a Division."
Act X of 1870	The Land Acquisition Act, 1870.	So much of section 3 as defines "Court" in the Panjáb to mean the "Commissioner of a Division."
Act XIV of 1875.	The Panjáb Judicial Administration Act, 1875.	So far as it relates to civil or criminal judicial powers.
Act XVII of 1877.	The Panjáb Courts' Act, 1877.	The whole.

STATEMENT OF OBJECTS AND REASONS.

AN essential portion of the scheme for the reorganization of the civil administration in the Panjáb, which has recently received the sanction of the Secretary of State for India, is to be found in the improvement of the judicial agency and the reform of the appellate system. The arrangements proposed for this purpose render necessary very large changes in the law under which the Panjáb Courts are now constituted (the Panjáb Courts Act, 1877), and the most convenient mode of giving effect to them appears to be to repeal that Act and re-enact its provisions with the necessary additions and modifications. This it is proposed to do by the present Bill.

2. The changes in the law which it is intended to make will now be noticed.

3. Chapter II deals with the constitution of the Courts. The present law confers the civil judicial powers of the Courts subordinate to the Chief Court upon the executive officers of Government from the Commissioner down to the Tahsíldár, though Act XIV of 1875 enables the Local Government to confer the powers of a Deputy Commissioner or of a Tahsíldár upon other persons, and under that Act civil judicial powers have been conferred upon a number of officers known as Judicial Assistants and Munsifs, whose functions are mainly, though not always exclusively, judicial. Similarly, the Civil and Sessions Judge of Peshâwar and certain Additional Commissioners have been invested with the judicial powers of Commissioners under Act XVII of 1877. It is now proposed to relieve Commissioners and Deputy Commissioners, as a rule, of civil judicial functions, though they will continue to exercise jurisdiction in certain classes of cases which will be transferred from the Civil to the Revenue Courts, and they may also be invested with civil judicial powers where the judicial work is so light as not to require the creation of special Courts. Commissioners will likewise be, as a rule, relieved of the functions as Sessions Judges which now devolve upon them, but this can be done under the Criminal Procedure Code, without special legislation.

4. Special designations which do not imply the exercise of executive functions are accordingly given to the Courts subordinate to the Chief Court (section 4).

5. With a view to strengthen the Courts of appeal in order to admit of greater finality being given to appellate decisions, it is proposed that the Court immediately subordinate to the Chief Court should ordinarily consist of two Judges, and that, while one of these Judges may be enabled by rule to exercise certain of the powers of the Court, a single Judge should not have power in the exercise of his appellate jurisdiction to reverse any order other than an interlocutory order passed by any Court.

6. Power is also taken (in section 7) to appoint the Commissioner of a Division to be one of the Judges of a Divisional Court in addition to his other duties, as it is in contemplation to establish one of the Divisional Courts at Derá Ismaíl Khán, and only one Judge will be available for that Court unless the Commissioner of the Deráját Division is appointed as one of the Judges.

7. The appointment of Assistant Judges and Subordinate Judges of the first class by the Local Government, and of Subordinate Judges of the second, third and fourth classes, corre-

sponding to the present Munsifs, by the Chief Court, subject to rules to be made by the Local Government, is provided for by section 9. The Court of the Assistant Judge will replace the Court of the Deputy Commissioner or Judicial Assistant under the present law, and no provision has hitherto been made by law as to the authority by which Munsifs may be appointed or removed.

8. The other differences between Chapter II of the Bill and the corresponding chapter of Act XVII of 1877 follow upon those which have been already described.

9. The third chapter, which provides for the jurisdiction and powers of the Chief Court, only differs from the corresponding chapter of Act XVII of 1877 in that section 19, relating to the transfer of suits, is assimilated to section 25 of the Civil Procedure Code; section 21 is modified so as to enable the Chief Court to make rules for the exercise by one or more of the Judges of a Divisional Court of the powers of that Court, except as regards the reversal of decrees, sentences or decisions of any Court, to provide by rule for the constitution of a full bench of the Chief Court, and to delegate to one of its Judges the power of determining what Judges shall sit alone or as a bench of the Court, and power is also taken to enable a single Judge of the Chief Court or of a Divisional Court to reverse an interlocutory order; sections 31 and 32 replace the reference in section 29 of the present Act to sections 633 and 637 of the Civil Procedure Code, and add what is necessary of sections 638 and 639 of that Code; and section 33 provides for the delivery of the judgments of a bench of Judges by any Judge who was a member of that bench, in accordance with existing practice, and with the analogy of section 199 of the Civil Procedure Code.

10. Chapter IV relates to the jurisdiction and powers of Courts subordinate to the Chief Court. The Divisional Court is declared to be the principal Civil Court of original jurisdiction, but the Local Government is enabled to empower any Assistant Judge or Deputy Commissioner with the powers of an Assistant Judge to exercise any of the powers of a District Court, so as to obviate the inconvenience of unduly limiting the number of Courts which can exercise jurisdiction under certain laws, *e. g.*, Acts XL of 1858, XXVII of 1860 and IX of 1861.

11. While the jurisdiction of the Divisional Court and of the Court of the Assistant Judge is unlimited as respects the value or amount in litigation, thus corresponding with the jurisdiction now exercised by Commissioners and Deputy Commissioners, that of the Subordinate Judge of the first class is limited to Rs. 5,000 instead of Rs. 10,000, which is the limit of the present jurisdiction of an Assistant Commissioner with full powers, and that of other Subordinate Judges may extend either to Rs. 100, to Rs. 500 or to Rs. 1,000.

12. In section 41 power is taken to invest Assistant Judges or Subordinate Judges with the jurisdiction of a Small Cause Court Judge for the trial of suits cognizable by a Small Cause Court within certain limits of value or amount.

13. The other changes in Chapter IV are those which are rendered necessary by the alterations of the law already described.

14. Chapter V relates to appellate jurisdiction in civil cases. It embodies the modifications proposed in the appellate system with the view of restricting the right of appeal so far as it is considered that the improved organization of the Courts will admit of this. The second appeals allowed by the Code of Civil Procedure, and the further appeals allowed by the present Panjáb Courts Act are abolished, and the decisions of appellate Courts are made final, except that the Judges of a Divisional Court are enabled, when they differ as to the judgment which should be passed, or when some question of law or custom or of general interest is involved, if they think the case of sufficient importance to justify further appeal, to grant a certificate permitting a further appeal to the Chief Court.

15. Appeals to Assistant Judges are confined to suits not above Rs. 500 in value, either of the Small Cause Court class or of any other class which the Chief Court, with the sanction of the Local Government, may determine to put upon the same footing, and appeals in suits above Rs. 5,000 in value, as well as appeals from decrees of the Divisional Court, will, when allowed by law, lie to the Chief Court, all other appeals allowed by law lying to the Divisional Court.

16. Section 47, relating to the transfer of appeals, has been modified to the same extent as section 19.

17. Chapter VI, which deals with Revenue Courts, is new, having been rendered necessary by the transfer of certain classes of suits enumerated in section 48 from the Civil to the Revenue Courts. It provides for the jurisdiction and powers of these Courts, for their procedure, for appeals from their decisions, for the revisional jurisdiction of the Financial Commissioner, and the controlling powers of the Financial Commissioner, Commissioner and Deputy Commissioner, respectively, for the transfer of suits and appeals, and for the distribution of business between Financial Commissioners when more than one such officer is appointed, the sanction which has been given by the Secretary of State to the appointment of a second Financial Commissioner rendering a provision of this nature necessary. Sections 64 and 65 correspond with sections 49 and 50 of the present Act, enabling the Local Government to confer judicial powers upon Settlement-officers, the only addition being that the officer may be so empowered either by name or in virtue of his office.

18. Chapter VII contains miscellaneous and supplementary provisions, some of which correspond with sections 46 to 48 of the present Act. Of the others, section 69 provides that any Judge of the Divisional Court shall be deemed to be the District Judge throughout its jurisdiction for the purposes of the Indian Divorce Act; section 70 provides for vacations; and section 71 for proceedings pending when this Bill becomes law; section 72 interprets certain expressions in sections 617 and 622 of the Civil Procedure Code so as to prevent doubt as to the cases in which the revisional jurisdiction of the Chief Court may be exercised; section 73 amends the Court-fees Act so that the fee leviable on a memorandum of appeal, when it exceeds the fee leviable on a petition to the Chief Court, may be charged on an application to it for the exercise of its revisional jurisdiction under section 622 of the Civil Procedure Code; and section 74 enables the Court in certain cases to grant a certificate authorizing the refund of the fee so charged.

The 25th June, 1884.

D. G. BARKLEY.

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 12, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th June, 1884:—

No. 6 OF 1884.

A Bill to amend the Indian Salt Act, 1882.

WHEREAS it is expedient to exclude the Province of Sindh from the operation of those portions of the Indian Salt Act, 1882, which do not extend by their own operation to the whole of British India, and whereas it is also expedient to remove certain doubts which have been raised as to the meaning of the words "importation of salt" in section 27 of the same Act; It is hereby enacted as follows:— XII of 1882.

Repeal of words "to the Province of Sindh" and "Province" in section 1 of Act XII of 1882.

1. From such day as the Governor of Bombay in Council, by notification in the official Gazette, fixes in this behalf, the words "to the Province of Sindh" and the word "Province," in paragraphs three and four respectively of section 1 of the Indian Salt Act, 1882, shall be repealed.

Amendment of section 27 of the same Act.

2. For the word "importation" in section 27 of the same Act, the word "bringing" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

1. THE object of this Bill is to make two amendments in the Indian Salt Act, 1882.

2. It has been found that certain provisions of the Indian Salt Act, 1882, are not suitable to the circumstances of the Province of Sindh, to which they at present extend, and it is proposed to replace them by an enactment to be passed by the local legislature providing for the requirements of the whole Presidency of Bombay inclusive of Sindh. It is doubtful, however, whether this course can be adopted until the words in section 1 of the Act which bring the Province of Sindh within the operation of those provisions have been repealed. Those words are accordingly repealed by section 1 of the Bill, and, in order that the repeal may be made to operate from the date on which the proposed new Act of the local legislature comes into force, it is left to the Governor of Bombay in Council to fix the date from which the section shall have effect.

3. The object of the amendment made by section 2 of the Bill is to remove a doubt as to the meaning of section 27 of the Act, raised by a ruling of the Judicial Commissioner in Sindh, who has held that the words "importation of salt" in that section cover only the bringing in of salt as merchandize for the purposes of commerce and in merchantable quantities. The Bill substitutes for the word "importation" the word "bringing."

The 19th June, 1884.

A. COLVIN.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th June, 1884:—

No. 7 OF 1884.

THE PANJÁB COURTS BILL, 1884.

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SCHEDULE.—ACTS REPEALED.

A Bill to amend the Law relating to Courts in the Panjáb.

WHEREAS it is expedient to amend the law relating to Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. *(1)* This Act may be called the Panjáb Courts' Act, 1884. (Short title.)

(2) It extends to all the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb; and (Local extent.)

(3) It shall come into force on the first day of October, 1884. (Commencement.)

2. On and from that day the Acts mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof. (Repeal of Acts.)

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

(1) "Assistant Judge" includes a Deputy Commissioner invested with the powers of an Assistant Judge.

(2) "Assistant Commissioner" includes Extra Assistant Commissioner.

(3) "Revenue Court" means the Court of a Financial Commissioner, of a Commissioner, of a Deputy Commissioner, of an Assistant Commissioner or of a Tahsíldár exercising jurisdiction in suits of any of the classes mentioned in section 48.

(4) "Interlocutory order." means an order not having the force of a decree under the Civil Procedure Code or any other enactment, nor being a judgment, order to give security, order of acquittal or order under the Code of Criminal Procedure for the disposal of property or the proceeds thereof, passed or made by a Criminal Court. XIV of 1882. X of 1882.

The Panjáb Courts Bill, 1884.
(Chapter II.—Of the Constitution of the Courts.—Sections 4-16:)

CHAPTER II.

OF THE CONSTITUTION OF THE COURTS.

4. Besides the Courts established under any other law for the time being in force, there shall be the following grades of Courts (namely):— (Grades of Courts.)

(1) the Chief Court;
(2) the Divisional Court;
(3) the Court of the Assistant Judge;
(4) the Court of the Subordinate Judge of the first class;
(5) the Court of the Subordinate Judge of the second class;
(6) the Court of the Subordinate Judge of the third class;
(7) the Court of the Subordinate Judge of the fourth class.

[Act XVII of 1877, s. 5.]

5. The Chief Court shall consist of three or more Judges who shall be appointed by the Governor General in Council, and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing. (Constitution of Chief Court and appointment and tenure of Judges.)

[Act XVII of 1877, s. 6.]

6. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges: (Rank and precedence of Judges of Chief Court.)

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

7. *(1)* Each Divisional Court shall consist of two or more Judges who shall be appointed by the Local Government, and may be transferred, suspended or removed by the Local Government. (Constitution of Divisional Courts.)

(2) The Commissioner of a Division may be appointed Judge of a Divisional Court, in addition to his other duties.

8. *(1)* When the Commissioner of a Division is one of the Judges of a Divisional Court, he shall be deemed the Senior Judge of the Court. (Seniority of Judges of a Divisional Court.)

(2) The seniority of the other Judges shall be regulated by the seniority of their appointments as Judges of a Divisional Court:

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

9. *(1)* The Assistant Judges and the Subordinate Judges of the first class shall be appointed, and may be transferred, suspended or removed, by the Local Government. (Appointment of Assistant Judges and Subordinate Judges.)

(2) The Subordinate Judges of the second, third and fourth classes shall be appointed, and may be transferred, suspended or removed, by the Chief Court, subject to the control of the Local Government, and to rules which the Local Government is hereby empowered to make as to the qualifications of persons to be appointed to the office of Subordinate Judge.

(3) The present Munsifs shall be deemed to have been duly appointed, and shall be, Subordinate Judges under this Act, and their classification as Subordinate Judges of the second, third or fourth class shall be determined by the Chief Court.

[Act XVII of 1877, s. 7.]

10. Every person appointed under this Act to be or to act as Judge of a Divisional Court, Assistant Judge or Subordinate Judge shall, within the local limits of the jurisdiction of the Court to which he may, from time to time, be posted, have the powers of a Judge of a Divisional Court, of the Court of an Assistant Judge, or of the Court of a Subordinate Judge of the fourth class, as the case may be. (Certain powers to be exercised *ex officio*.)

[Act XVII of 1877, s. 8.]

11. *(1)* The Local Government may, from time to time, confer upon any Deputy Commissioner or Assistant Commissioner the powers of an Assistant Judge, or upon any Assistant Commissioner the powers of a Subordinate Judge of any class, or upon any Subordinate Judge not being an Assistant Commissioner the powers of a Subordinate Judge of the second or of the third class, or upon any Tahsíldár or Náib Tahsíldár the powers of a Subordinate Judge of the third or of the fourth class, and may withdraw any powers so conferred. (Deputy Commissioners, Assistant Commissioners, Subordinate Judges, Tahsíldárs and Naib Tahsíldárs may be invested with powers.)

(2) Any officer invested with powers under this section may exercise such powers in any district or sub-division of a district to which he may, from time to time, be posted.

[Act XVII of 1877, s. 9.]

12. The Local Government may, from time to time, confer upon any person all or any of the powers of a Court of any of the five grades last mentioned in section 4, and may withdraw any powers so conferred. (Any person may be invested with certain powers.)

[Act XVII of 1877, s. 10.]

13. *(1)* The Local Government may direct any three or more persons invested with powers of the same description under section 12 to sit together as a bench; and those powers shall, while such direction remains in force, be exercised by the bench so constituted, and not otherwise. (Exercise of such powers by benches.)

(2) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

[Act XVII of 1877, s. 11.]

14. Except for the purpose of exercising control over any other Court, any person or any bench exercising the powers of a Court of any grade under section 12 or section 13 shall be deemed to be a Court of such grade for all the purposes of this Act. (Persons and benches exercising such powers to be deemed Courts of corresponding grades.)

[Act XVII of 1877, s. 12.]

15. Any person or bench invested under section 11, section 12 or section 13 with the powers of a Court of any grade shall exercise such powers and discharge the functions of such Court within such local limits and in such classes of cases as the Local Government may, from time to time, direct. (Such powers where and in what cases to be exercised.)

[Act XVII of 1877, s. 13.]

16. The Local Government may, from time to time, by notification in the official Gazette, fix the local limits of the jurisdiction of any Court of any of the six grades last mentioned in section 4. (Power to alter local limits of jurisdiction.)

The Panjáb Courts Bill, 1884.
(Chapter III.—Of the Jurisdiction and Powers of the Chief Court.—Sections 17-24.)

CHAPTER III.

OF THE JURISDICTION AND POWERS OF THE CHIEF COURT.

[Act XVII of 1877, s. 14.]

17. The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Civil appeals from subordinate Courts.

[Act XVII of 1877, s. 15; *Cf.* Crim. Pro. Code, ss. 4 (*i*) and 266.]

18. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial.

Criminal, appellate and revisional jurisdiction.

Power to try European British subjects.

[Act XVII of 1877, s. 16; Civil Pro. Code, s. 25.]

19. The Chief Court may, on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, or of its own motion, without giving such notice, withdraw any suit or other civil proceeding instituted in any Court under its superintendence or control, and try or dispose of such suit or proceeding itself, or transfer the same for trial or disposal to any other Court under its superintendence or control and competent to try or dispose of such suit or proceeding in respect of its nature and the amount or value of its subject-matter.

Power to withdraw and try, or to transfer, suits.

[Act XVII of 1877, s. 17.]

20. Except as otherwise provided by any law for the time being in force, an appeal shall lie from any decree or order passed or made by the Chief Court—

Appeals from original jurisdiction of Chief Court.

(*a*) in exercise of the original jurisdiction conferred by section 19; or

(*b*) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section:

Provided that such appeal shall lie only in the cases and in manner following (that is to say):—

(*c*) when such decree or order is made by a single Judge, an appeal shall lie, either to a bench consisting of two other Judges, or to the full bench, as the Court may, by general rule or special order, from time to time, direct;

(*d*) when such decree or order is made by a bench of Judges not being the full bench, and such Judges differ in opinion, the appeal shall lie from such decree or order to the full bench.

[Act XVII of 1877, s. 19, extended to Divisional Courts.]

21. *(1)* Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its Judges of any powers conferred on it, and for the exercise by one or more of the Judges of a Divisional Court of any of the powers conferred on that Court by this Act, or by any other enactment for the time being in force:

Delegation of powers to its members.

Provided that no order not being an interlocutory order, and no decree, sentence or decision of any Court, shall be reversed by any Judge of the Chief Court or of a Divisional Court sitting alone.

Proviso.

(2) When the Chief Court consists of more than three Judges, it may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court, and may by these rules prescribe the mode of determining what Judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) The Chief Court may, from time to time, delegate to one of its Judges the power of determining, subject to any rules made under this section, what Judge in each case shall sit alone and what Judges of the Court shall constitute any bench of Judges.

[See 24 & 25 Vic., cap. 104, s. 14.]

[Act XVII of 1877, s. 20.]

22. When there is a difference of opinion among the Judges composing any bench of the Chief Court on any question arising before such Judges in the exercise by them of any powers conferred on such Court by this Act, or by any other enactment for the time being in force, such question shall, except as otherwise provided by any enactment for the time being in force, be decided as follows, that is to say:

Rule of decision when Judges differ.

If the number of such Judges concurring in one opinion upon such question is larger than the number holding any other opinion upon such question, the decision shall be in accordance with the opinion of such larger number.

If the numbers of such Judges holding two or more opinions on such question are equal, the following rules shall be observed, that is to say:—

(*a*) if such bench is the full bench, or is exercising any original jurisdiction to which section 20 applies or is extended, the decision upon such question shall be in accordance with such one of these opinions as is held by the Judge who has precedence under section 6;

(*b*) in other cases the bench before which such question has arisen shall refer the same to the full bench, and the full bench shall decide the same in accordance with the rules hereinbefore contained, and the case in which such question has arisen shall be disposed of by the bench referring such question in accordance with the decision of the full bench thereon.

[Act XVII of 1877, s. 21.]

23. *(1)* Any single Judge of the Chief Court or any bench of Judges of such Court (not being the full bench) exercising any powers conferred on the Chief Court by this Act or by any other enactment for the time being in force may refer for the decision of the full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before such Judge or bench of Judges.

Power to refer question to full bench.

(2) Any Judge or bench making a reference on any question in any case under this section shall dispose of such case in accordance with the decision of the full bench on such question.

[Act XVII of 1877, s. 22.]

24. *(1)* The Chief Court may, from time to time, appoint a Registrar and Deputy Registrar and such other ministerial officers as may be necessary for the administration of justice by such Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

Power to appoint ministerial officers.

(2) The appointment of the Registrar shall be subject to the sanction of the Local Government.

The Panjáb Courts Bill, 1884.
(Chapter IV.—Of the Jurisdiction and Powers of the Subordinate Courts.—Section 34.)

[Act XVII of 1877, s. 23.]

25. The officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the Chief Court may, from time to time, direct.

Powers and duties of such officers.

[Act XVII of 1877, s. 24.]

26. Any such officer may be suspended or dismissed from his office by order of the Chief Court:

Suspension and dismissal of such officers.

Provided that neither the Registrar nor the Deputy Registrar shall be dismissed without the previous sanction of the Local Government.

[Act XVII of 1877, s. 25.]

27. The general superintendence and control over all Courts of the six grades last mentioned in section 4, and over all Courts of Small Causes, shall be vested in, and such Courts shall be subordinate to, the Chief Court.

Superintendence and control of subordinate Courts.

[Act XVII of 1877, s. 26.]

28. *(1)* The Chief Court may, from time to time, make rules—

Power to make rules as to petition-writers.

(*a*) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjáb;

(*b*) regulating the conduct of persons so practising.

(2) Whoever breaks any rule made under this section and having the force of law shall be liable, on conviction before a Magistrate, to a fine which may extend to fifty rupees.

[Act XVII of 1877, s. 27; see also Criminal Procedure Code, s. 553, and Civil Procedure Code, s. 652.]

29. The Chief Court may, from time to time,—

Power to make rules as to other matters.

(*a*) make rules consistent with this Act conferring and imposing on the ministerial officers of the Court subject to its superintendence such powers and duties of a ministerial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

(*b*) make rules consistent with this Act to determine in what cases pleaders practising in such Courts shall be permitted to address such Courts in English;

(*c*) prescribe forms for seals to be used by such Courts;

(*d*) prescribe forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in such Courts or submitted to any authority;

(*e*) make rules consistent with this Act providing for the inspection of such Courts and the supervision of the working thereof;

(*f*) make such rules consistent with this Act, institute such enquiries and submit such recommendations to the Local Government as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of such Courts and maintaining proper discipline among such officers.

[Act XVII of 1877, s. 28.]

30. *(1)* The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of the same registers, books and accounts, and statements of the work done in the Court, as may, from time to time, be required by the said Government

Registers, books, accounts and statements to be kept and furnished by Chief Court.

(2) The Chief Court shall also comply with such requisitions as may, from time to time, be made by the Governor General in Council, or by the Local Government, for certified copies of, or extracts from, the records of the Courts.

[Sec. 29. Act XVII of 1877, and ss. 638 and 639. Civ. Pro. Code.]

31. *(1)* The Chief Court, when sitting as a Court of civil judicature, shall take evidence and record judgments and orders in such manner as it, by rule, from time to time, directs, and may, from time to time, frame forms for any proceeding in that Court in the exercise of its civil jurisdiction.

Chief Court to take evidence and record judgments according to its own rules, and to frame forms for proceedings.

(2) The following provisions of the Civil Procedure Code shall not apply to the Chief Court in the exercise of its original civil jurisdiction, namely, sections 119, 182 to 185 (both inclusive), 187, 189 to 191 (both inclusive), 192 (so far as it relates to the manner of taking evidence), 198, 200 to 204 (both inclusive), and so much of section 409 as relates to the making of a memorandum; XIV of 1882.

And sections 571 to 573 (both inclusive), 574 (so far as it relates to the time of dating and signing judgment) and 579 shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

[Act XVII of 1877, s. 29.]

32. *(1)* Any non-judicial or quasi-judicial act which the Civil Procedure Code requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394 of that Code, may be done by the Registrar of the Court, or by such other officer of the Court as the Court may direct to do such act. XIV of 1882.

Non-judicial acts may be done by Registrar.

(2) The Chief Court may, from time to time, by rule, declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

[New. *Cf.* s. 199, Civ. Pro. Code.]

33. When any appeal, reference or case heard in the exercise of revisional jurisdiction has been heard by a bench consisting of two or more Judges, a judgment or dissent written by any member of the bench, but not pronounced, may be delivered by any other member of that bench.

Delivery of judgment in the absence of Judge who recorded it.

CHAPTER IV.

OF THE JURISDICTION AND POWERS OF THE SUBORDINATE COURTS.

[Sec. 30, Act XVII of 1877.]

34. Subject to the general superintendence and control of the Chief Court—

Controlling powers of Divisional Court and of Assistant Judges.

every Divisional Court shall control (*a*) the Courts of all Assistant Judges or officers invested with the powers of an Assistant Judge within its division, and (*b*) the Courts controlled by the Assistant Judges or Deputy Commissioners invested with the powers of an Assistant Judge within its division;

and, subject to the control of the Divisional Court—

every Assistant Judge and every Deputy Commissioner invested with the powers of an Assist-

The Panjáb Courts Bill, 1884.
(Chapter IV.—Of the Jurisdiction and Powers of the Subordinate Courts.—Sections 35-41.)

ant Judge shall control (*a*) all Courts of the four grades last mentioned in section 4, and all Courts of Small Causes, and (*b*) all Courts of persons other than the Deputy Commissioner of a district invested under section 11 or section 12 with the powers of an Assistant Judge within the area subject to his jurisdiction.

Principal Court of original jurisdiction.

35. Except as otherwise provided by any enactment for the time being in force, the Divisional Court shall be deemed to be the District Court or principal civil Court of original jurisdiction in its division:

Provided that the Local Government may empower any Assistant Judge or any Deputy Commissioner invested with the powers of an Assistant Judge to exercise all or any of the powers of a District Court within the area subject to his jurisdiction.

[Act XVII of 1877, s. 32.]

36. Except as otherwise provided by any enactment for the time being in force—

No pecuniary limits of jurisdiction of Divisional Court or of Assistant Judge.

(*1*) the Divisional Court, and (*2*) the Court of the Assistant Judge, shall have jurisdiction for the adjudication of original civil suits without limit as regards the amount or value of the subject-matter of such suits; and

Pecuniary limits of jurisdiction of other Courts.

each of the Courts mentioned in the first column of the subjoined table shall have jurisdiction for the adjudication of civil suits when the amount or value of the subject-matter of such suits does not exceed the limit prescribed for such Court in the second column of the table:—

	COURT.	Limit of jurisdiction.
		Rs.
(*a*)	The Court of the Subordinate Judge of the first class.	5,000
(*b*)	The Court of the Subordinate Judge of the second class.	1,000
(*c*)	The Court of the Subordinate Judge of the third class.	500
(*d*)	The Court of the Subordinate Judge of the fourth class.	100

[Section 33, Act XVII of 1877.]

Powers of Divisional Court and of Court of Assistant Judge.

37. (*1*) Any Divisional Court or any Assistant Judge, or Deputy Commissioner invested with the powers of Assistant Judge, may exercise, as regards the Courts under its or his control, the same powers of withdrawal, trial, disposal and transfer as are conferred by section 19 on the Chief Court.

(*2*) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

(*3*) The Local Government may, from time to time, confer upon any Assistant Commissioner the powers of an Assistant Judge under this section, and withdraw the same.

[Section 34, Act XVII of 1877.] XIV of 1882.

Power to distribute business.

38. Notwithstanding anything contained in the Code of Civil Procedure, every Divisional Court, Assistant Judge or Deputy Commissioner invested with the powers of Assistant Judge may, by written order, direct that any civil business cognizable by it or his Court and the Courts under its or his control (including the execution of decrees) shall be distributed among such Courts in such manner as it or he thinks fit:

Provided that no direction issued under this section shall empower any Court to exercise any jurisdiction in any suit of which the amount or value of the subject-matter exceeds its proper jurisdiction:

Provided also that no such direction shall be inconsistent with any direction or notification issued by the Local Government under section 15 or 16.

[Section 35, Act XVII of 1877.]

Ministerial officers of subordinate Courts.

39. (*1*) The ministerial officers of the Divisional Court and of the Courts of Assistant Judges and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively, whose orders in such matters shall, in the case of a Divisional Court, be final, and in the case of any other Court be subject to the general control of the Divisional Court.

(*2*) The ministerial officers of all Courts controlled by an Assistant Judge, other than a Court of Small Causes, shall be appointed, and may be suspended and dismissed, by the Assistant Judge, subject to the general control of the Divisional Court.

(*3*) Every appointment under this section shall be subject to such rules as the Local Government, from time to time, prescribes in this behalf.

[Act XVII of 1877, s. 36.]

Power to fine ministerial officers.

40. (*1*) The Judge or presiding officer of every Court under the control of an Assistant Judge may fine, in an amount not exceeding one month's salary, any of the ministerial officers of such Court who is guilty of misconduct or neglect in the performance of the duties of his office.

(*2*) The Assistant Judge, subject to the general control of the Divisional Court, may, on appeal or otherwise, reverse or modify any such order made by any such Judge or officer, other than a Judge of a Court of Small Causes; and may of his own motion fine up to the amount of one month's salary any ministerial officer of any Court under his control other than a Court of Small Causes.

(*3*) Any Divisional Court or Assistant Judge, and the Judge of any Court of Small Causes, may fine any ministerial officer of his Court in an amount not exceeding one month's salary.

[New. *Cf.* Act VI of 1871, s. 29, and Act XIII of 1879, s. 24.]

Power to invest with Small Cause Court jurisdiction.

41. The Local Government may invest, within such local limits as it, from time to time, fixes, any Assistant Judge or Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second or third class with similar jurisdiction up to the amount of fifty rupees; and may, whenever it thinks fit, withdraw the jurisdiction so conferred.

The Panjáb Courts Bill, 1884.
(Chapter V.—Of Appellate Jurisdiction in Civil Cases.—Sections 42-47.)
(Chapter VI.—Of Revenue Courts.—Section 48.)

CHAPTER V.

OF APPELLATE JURISDICTION IN CIVIL CASES.

First appeals to whom to lie.

42. (*1*) Appeals from the decrees and orders of a Court of any of the three grades last mentioned in section 4 in suits of the nature cognizable in Courts of Small Causes, and in suits of any other class which the Chief Court, with the sanction of the Local Government, may, from time to time, determine to place on the same footing, shall, when such appeals are allowed by law, and the value or amount of the subject-matter of the suit does not exceed five hundred rupees, lie to the Court of the Assistant Judge.

(*2*) Appeals from the decrees and orders of the Court of the Assistant Judge in original suits, when the amount or value of the subject-matter of the suit exceeds five thousand rupees, and appeals from the decrees and orders of the Divisional Court in original suits, shall, when such appeals are allowed by law, lie to the Chief Court.

(*3*) Appeals from decrees and orders in original suits not hereinbefore provided for shall, when such appeal is allowed by law, lie to the Divisional Court.

Further appeal to lie to the Chief Court on the certificate of the Divisional Court that the case is a fit one for further appeal.

43. When two Judges of a Divisional Court are unable to concur in a judgment varying or reversing the decree or order appealed against, or when some question of law or custom, or of general interest, is involved, the Judges may, if they regard the case as of sufficient importance to justify a further appeal, or if, when the certificate is applied for, one of the Judges who passed the decree is no longer attached to the Court, the remaining Judge may, if he regards the case as of sufficient importance to justify a further appeal, grant a certificate to any party to the appeal that the case is a fit one for a further appeal; and on such certificate being granted a further appeal shall lie to the Chief Court from the decree or order of the Divisional Court on any ground which would be a good ground of appeal if the decree or order had been passed in an original suit:

Provided that no further appeal shall lie in any suit of the nature cognizable in Courts of Small Causes, or other suit placed on the same footing under section 42 when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees.

XIV of 1882.

Appellate decision of Assistant Judge or Divisional Court otherwise final.

44. Subject to the provisions of section 43, and of the Code of Civil Procedure, sections 595 and 622, the decision of the Court of the Assistant Judge or of the Divisional Court passed in appeal shall be final.

[*Cf.* Act XIII of 1879, s. 23.]

Appeals from decrees, &c., passed before Act comes into force.

45. For the purposes of sections 42 and 23, all decrees, orders and decisions passed before the date on which this Act comes into force shall be deemed—

(*a*) if passed by a Commissioner or Additional Commissioner, or by the Civil Judge of Peshawar, to have been passed by the Divisional Court;

(*b*) if passed by a Deputy Commissioner or other officer invested with the appellate jurisdiction of a Deputy Commissioner, to have been passed by an Assistant Judge;

(*c*) if passed by an Assistant Commissioner with full powers, to have been passed by a Subordinate Judge of the first class;

(*d*) if passed by an Assistant Commissioner not invested with full powers or with the appellate powers of a Deputy Commissioner, or by an Honorary Civil Judge, or by a Tahsíldár or Náib Tahsíldár, to have been passed by a Subordinate Judge of the second, third or fourth class:

Provided that—

(*1*) no right of appeal which has accrued under the existing law shall be taken away, and no certificate shall be required for a further appeal;

(*2*) if the amount or value of the subject-matter of the suit exceeds five thousand rupees, the appeal, if any is allowed by law, shall lie to the Chief Court; but in other cases in which the appeal now lies to the Commissioner's Court, the appeal shall lie to the Divisional Court.

[Act XVII of 1877, s. 40.]

Period of limitation.

46. (*1*) The period of limitation for an appeal under section 41 or section 42 shall run from the date of the decree, order or decision appealed against, and shall be as follows, that is to say:—

(*a*) when such appeal lies to the Court of the Assistant Judge or to the Divisional Court—sixty days.

(*b*) when such appeal lies to the Chief Court—ninety days.

(*2*) In computing such periods of sixty and ninety days, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877. XV of 1877.

[Act XVII of 1877 s. 41.]

Power to withdraw and try or to transfer appeal.

47. The Chief Court, the Divisional Court or the Court of an Assistant Judge may, on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, or of its own motion, without giving such notice, withdraw any civil appeal pending in any Court under its superintendence or control, and try such appeal itself, or transfer the same for trial to any other Court under its superintendence or control and of a grade equal or superior to that of the Court from which such appeal is withdrawn.

CHAPTER VI.

OF REVENUE COURTS.

Certain classes of suits cognizable by Revenue Courts only.

48. Suits of any of the following classes instituted on and after the first day of October, 1884, shall be heard and determined in Revenue Courts and not otherwise:

(*a*) suits by tenants to establish a claim to a right of occupancy under Chapter II of the Panjáb Tenancy Act, 1868; XXVIII of 1868.

(*b*) suits by landlords under section 6 of the same Act to prove that a tenant presumed to have a right of occupancy under that section has no such right;

(*c*) suits for enhancement or abatement of rent under Chapter III of the same Act;

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(Chapter VI.—Of Revenue Courts.—Sections 49-55.)

(*d*) suits for ejectment of a tenant under Chapter IV of the same Act;

(*e*) suits under section 25 of the same Act to contest liability to be ejected when notice of ejectment has been served;

(*f*) suits under section 40 of the same Act to determine the amount or value of the compensation to be paid or the terms of a lease to be granted to a tenant under section 39 of the same Act, or both;

(*g*) suits for arrears of rent on account of land, or on account of any rights of pasturage, forest-rights, fisheries or the like;

(*h*) suits for the recovery of any over-payment of rent;

(*i*) suits by lambardárs for arrears of land-revenue, payable through them by the co-sharers, or for village-expenses or other dues for which the co-sharers may be responsible to the lambardár;

(*j*) suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses, or for a settlement of accounts;

(*k*) suits by assignees of land-revenue for arrears of revenue due to them as such;

(*l*) suits by superior proprietors for arrears of revenue due to them as such; and

(*m*) suits under section 9 of the Specific Relief Act to recover possession of land assessed to the land-revenue or liable to be so assessed, or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned. I of 1877.

49. If in any suit of any of the classes mentioned in clauses (*a*) to (*l*) of the last preceding section it appears that the parties are at issue on any question of proprietary title, or on the question of the existence of the relation of landlord and tenant between them, the Revenue Court shall not determine such question, but may either proceed to decide the case by passing a decree contingent upon the determination of such question by a Civil Court, giving such directions as it may think proper as to the party with whom it shall rest to institute a suit for the purpose, or, on the application of either party, may stay proceedings to enable the party applying to institute a suit for the purpose in a Civil Court; but the proceedings shall not be stayed under this section for more than three months unless such suit is in the meantime instituted; nor, when a decree has been passed contingent upon the determination of such question by a Civil Court, shall any execution be issued, property sold or person ejected or imprisoned thereunder until the receipt of a copy of the judgment of the Civil Court on the question, unless the decree has been passed against the party whose duty it is to sue and he fails to institute the suit for more than three months from the date of the decree.

Procedure when question of proprietary title or of existence of relation of landlord and tenant arises.

50. All Assistant Commissioners and Tahsíldárs shall have power to try suits of the classes mentioned in section 48, clauses (*g*), (*i*), (*k*) and (*l*), when the amount or value of the claim does not exceed one hundred rupees; and the Local Government may invest Náib Tahsíldárs with the same powers.

Certain revenue powers of Assistant Commissioners and Tahsíldárs to be exercised *ex officio*.

51. The Local Government may invest any Assistant Commissioner or Tahsíldár with power to try all suits of the classes mentioned in the same section, clauses (*d*) and (*f*) to (*m*), both inclusive.

Additional powers with which Assistant Commissioners and Tahsíldárs may be invested.

52. The Deputy Commissioner shall have power to try suits of any of the classes mentioned in section 48, and the Local Government may specially invest any Assistant Commissioner with the powers of a Deputy Commissioner for the trial of suits of the classes mentioned in clauses (*a*), (*b*), (*c*) and (*e*) of the same section.

Revenue powers of Deputy Commissioners and power to invest Assistant Commissioners therewith.

53. *(1)* The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in cases under this chapter for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts. [*Cf.* Act XVIII of 1881, s. 19.] XIV of 1882.

Procedure of Revenue Courts how to be regulated.

(2) Until such rules are made, Revenue Courts shall be guided in cases under this chapter by the provisions of the Code of Civil Procedure, section 2, Part I, except Chapters XVI and XX, Parts II, III and IV, Chapters XXXVII and XXXVIII, XLI, XLIII and XLIV, and Parts VIII and X, so far as applicable; and the Court of the Financial Commissioner shall, in respect of such cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under his control, the same powers of withdrawal, trial, disposal and transfer as are conferred by sections 19 and 47 on the Chief Court; and the Commissioner and Deputy Commissioner shall respectively exercise, as regards the Courts under his control, the same powers of withdrawal, trial, disposal and transfer as are conferred by sections 57 and 47 upon a Divisional Court and an Assistant Judge. XIV of 1882.

54. Every Commissioner or Deputy Commissioner may, by written order, direct that any business cognizable under this chapter by his Court, and the Courts under his control (including the execution of decrees) shall be distributed among such Courts in such manner as he thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any jurisdiction which it is not empowered to exercise under section 50, section 51 or section 52.

55. All decisions and orders (except decisions and orders in suits under section 9 of the Specific Relief Act) of Assistant Commissioners not invested with the powers of a Deputy Commissioner under section 52, and of Tahsíldárs, shall be appealable to the Deputy Commissioner, whose order thereon shall be final, unless when the amount or value of the subject-matter exceeds one hundred rupees, when a I of 1877.

Cases appealable to Deputy Commissioner.

The Panjáb Courts Bill, 1884.
(Chapter VI.—Of Revenue Courts.—Sections 56-64.)

further appeal shall lie to the Commissioner, or, in case the amount or value of the subject-matter exceeds five thousand rupees, to the Financial Commissioner.

Further appeal in certain cases.

56. *(1)* All decisions and orders of Deputy Commissioners and Assistant Commissioners invested with the powers of a Deputy Commissioner in suits of the classes mentioned in clauses (*a*), (*b*), (*c*) and (*e*) of section 48, and in other suits (except suits under section 9 of the Specific Relief Act) in which the value of the subject-matter exceeds one hundred rupees, shall be appealable to the Commissioner, or in case the amount or value exceeds five thousand rupees, to the Financial Commissioner. I of 1877.

Cases appealable to Commissioner or Financial Commissioner.

(2) In all other cases their judgments and orders shall be final.

Other judgments to be final.

57. An appeal from the decisions of the Commissioner on appeals in suits of the classes mentioned in clauses (*a*), (*b*), (*c*) and (*e*) of section 48 shall lie to the Financial Commissioner, unless when the Commissioner dismisses the appeal. All other judgments and orders of the Commissioner on appeals shall be final, subject to revision by the Financial Commissioner.

Further appeal to Financial Commissioner in certain cases.

Other judgments of Commissioner to be final.

58. The Financial Commissioner may at any time call for any case which has come before any Commissioner or any Court subordinate to him, and pass such orders thereon consistent with the law applicable thereto as he thinks fit.

Revisional jurisdiction of Financial Commissioner.

59. *(1)* The period of limitation for an appeal under section 55, section 56 or section 57 shall run from the date of the decree, order for decision appealed against, and shall be as follows, that is to say:—

Limitation of appeals under this chapter.

(*a*) when such appeal lies to the Court of the Deputy Commissioner or of the Commissioner—sixty days;

(*b*) when such appeal lies to the Financial Commissioner—ninety days.

(2) In computing such periods of sixty and ninety days, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877. XV of 1877.

60. Subject to the general superintendence and control of the Financial Commissioner, every Commissioner shall control the Revenue Courts of all Deputy Commissioners and the Revenue Courts controlled by Deputy Commissioners within his Division; and

Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.

subject to the control of the Commissioner, every Deputy Commissioner shall control the Revenue Courts of all Assistant Commissioners and Tahsíldárs and officers invested with the powers of Deputy Commissioner, Assistant Commissioner or Tahsíldár within his District.

61. Except for the purpose of exercising control over any other Revenue Court, any person exercising the powers of a Revenue Court of any grade under section 49 or section 51 shall be deemed to be a Court of such grade for all the purposes of this Act, and shall exercise such powers and discharge the functions of such Court within such local limits and in such classes of cases as the Local Government may, from time to time, direct.

Persons invested with powers under this chapter to be deemed to be Courts of corresponding grades, and where and in what cases to exercise their powers.

62. When more than one Financial Commissioner is appointed, the Local Government may, from time to time, make rules as to the distribution of revenue, judicial and other business between the persons so appointed; and, until such rules are made, the Financial Commissioner who is senior in respect of his appointment as such may transfer such business as he thinks fit to the other Financial Commissioner for disposal, and may withdraw and himself dispose of any business so transferred and not disposed of.

Distribution of business between Financial Commissioners.

63. If either Financial Commissioner desires to obtain the opinion of the other upon any question arising in any appeal under this chapter pending before him, he may forward the record to the other Financial Commissioner with a statement of the question upon which he desires his opinion; and the latter, after such examination and such hearing (if any) as he thinks fit, shall record his opinion upon the question referred to him; and the Financial Commissioner who made the reference shall proceed to dispose of the appeal after considering the opinion so obtained.

Consultation between Financial Commissioners.

64. *(1)* The Local Government may, from time to time, by notification in official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling such settlement, either by name or in virtue of his office, with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of such land, arising in such local area. [Act XVII of 1877, s. 49.]

Power to invest Settlement-officers with powers of Civil or Revenue Courts in certain cases.

(2) The publication of any notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

(3) The Local Government may cancel any such notification.

(4) While such notification continues in force, such powers shall be exercised by the officers so invested, and not otherwise:

Provided that the Local Government may, by order published in the official Gazette, direct that any jurisdiction with which any officer may have been invested by such notification shall be exercised solely by the Court by which such jurisdiction would have been exercised if such notification had not been published:

Provided also that any cases pending before any officer under such notification when it is cancelled may, notwithstanding such cancellation, be

The Panjáb Courts Bill, 1884.
(Chapter VII.—Miscellaneous and Supplementary Provisions.—Sections 65-73.)

disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that such cases shall be transferred for disposal to the Court by which they would have been disposed of if such notification had not been published.

Explanation.—In this section "land" means land assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village.

[Act XVII of 1877, s. 50.]

65. For the purposes of section 64 the Local Government may, notwithstanding anything in this Act, from time to time direct that any of the Courts mentioned in this Act (except the Chief Court) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those specified in this Act.

Power to alter subordination of Courts for purposes of section 64.

CHAPTER VII.

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

[Act XVII of 1877, s. 46; compare Act VI of 1871, s. 25; Act XVII of 1875, s. 19; and Act XIII of 1879, s. 23.]

66. *(1)* Except with the consent of the parties, no presiding officer of any Court having jurisdiction under this Act shall try any suit or appeal to which he is a party or in which he is personally interested, or any appeal against a decree or order passed by himself, or shall adjudicate upon any proceeding connected with or arising out of such suit or appeal.

Presiding Officer of Court not to try certain suits and appeals.

(2) When any such suit, appeal or proceeding comes before him, he shall forthwith transmit the record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

(3) The superior Court shall thereupon dispose of the case in the manner prescribed by section 25 of the Code of Civil Procedure.

XIV of 1882.

[Act XVII of 1877, s. 47.]

67. All rules made and forms prescribed under section 28 and section 29, clauses *(a)*, *(b)*, *(d)* and *(e)*, shall be submitted for sanction to the Local Government, and, on receiving such sanction, shall be published in the official Gazette, and shall thereupon have the force of law.

Rules when to have force of law.

[Act XVII of 1877, s. 48.]

68. *(1)* The Local Government may, from time to time, with the previous sanction of the Governor General in Council, by notification in the official Gazette, appoint a single Judge of the Chief Court to exercise the power of superintendence conferred on such Court by section 27, and may cancel such notification.

Local Government may transfer power conferred by section 27 to a single Judge.

(2) While such notification continues in force, such power shall be exercised by the Judge appointed thereby, and not otherwise.

[*Cf.* Act XIII of 1879, s. 27.] IV of 1869.

69. For the purposes of the Indian Divorce Act, any Judge of the Divisional Court shall be deemed to be the District Judge throughout the Division over which that Court has jurisdiction.

Jurisdiction under Divorce Act.

[Act VI of 1871, s. 17; Act XIII of 1879, s. 38].

70. *(1)* Subject to such orders as may, from time to time, be issued by the Governor General in Council, and to the approval of the Local Government, the Chief Court shall prepare a list of days to be observed in each year as close holidays in the Civil Courts subordinate thereto.

Vacations.

(2) Such list shall be published in the official Gazette, and the said days shall be observed accordingly.

71. *(1)* All cases or proceedings pending in any Civil Court on the first day of October, 1884, may be disposed of as if this Act had not been passed, unless the Chief Court directs (as it is hereby empowered to do) that such cases or proceedings shall be transferred for disposal to the Courts established under this Act which would have had jurisdiction if they had been in existence when such cases or proceedings were instituted.

Pending proceedings.

(2) For the purposes of this section, all appeals in civil suits or proceedings pending on the said day shall—

(a) if preferred from the decrees, orders or decisions of Commissioners, Additional Commissioners or the Civil Judge of Peshâwar be deemed to be appeals from the Divisional Court;

(b) if preferred from the decrees, orders or decisions of Deputy Commissioners or officers invested under section three of Act XIV of 1875 with the appellate powers of Deputy Commissioners, or with the full powers of an Assistant Commissioner, be deemed to be appeals from the Court of the Assistant Judge; and

(c) if preferred from the decrees, orders or decisions of Assistant Commissioners not invested with full powers, or with the appellate powers of Deputy Commissioners, or of Honorary Civil Judges not invested with the full powers of an Assistant Commissioner, or of Tahsíldárs or Náib Tahsíldárs, be deemed to be appeals from Subordinate Judges of the second, third or fourth class.

XIV of 1882.

72. For the proposes of sections 617 and 622 of the Civil Procedure Code, the decree of an Appellate Court subordinate to the Chief Court shall be deemed to be final when no certificate permitting a further appeal to the Chief Court under section 43 has been granted, and a case decided by an Appellate Court in which no such certificate has been granted shall be deemed to be a case in which no appeal lies to the Chief Court.

Explanation of sections 617 and 622, Civil Procedure Code.

VII of 1870.

73. To the first schedule annexed to the Court-fees Act, 1870, the following shall be added :—

Amendment of the first schedule annexed to the Court-fees Act, 1870.

NUMBER.		PROPER FEE.
3. Application to the Chief Court of the Panjáb for the exercise of its revisional jurisdiction under section 622 of the Code of Civil Procedure.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on memorandum of appeal.

The Panjáb Courts Bill, 1884.
(Chapter VII.—Miscellaneous and Supplementary Provisions.—Sections 74-75.)

XIV of 1882.

74. If the Chief Court, on an application under section 622 of the Civil Procedure Code, on which a fee has been paid under the last preceding section, sets aside or modifies the decree or order of a subordinate Court, or remands the case for a fresh decision, it may grant to the applicant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the application, or any smaller amount which, with regard to the circumstances of the case, it may think proper to order to be refunded.

Refund of fee paid on application for revision.

75. All appointments made under sections 5 and 22 of Act XVII of 1877, directions given under section 23, rules and forms prescribed under sections 26 and 27, and notifications published, powers conferred and orders issued under section 49, of the same Act, shall, so far as may be, be deemed to have been respectively made, given, prescribed, published, conferred and issued under this Act.

Saving of certain appointments, rules and forms, notifications, powers and orders.

SCHEDULE.

ACTS REPEALED.

(*See section 2.*)

Number and year.	Title of Act.	Extent of repeal.
Act IV of 1869	The Indian Divorce Act.	So much of section 3 as defines "District Judge" in the Panjab to mean the "Commissioner of a Division."
Act X of 1870	The Land Acquisition Act, 1870.	So much of section 3 as defines "Court" in the Panjáb to mean the "Commissioner of a Division."
Act XIV of 1875.	The Panjáb Judicial Administration Act, 1875.	So far as it relates to civil or criminal judicial powers.
Act XVII of 1877.	The Panjáb Courts' Act, 1877.	The whole.

STATEMENT OF OBJECTS AND REASONS.

AN essential portion of the scheme for the reorganization of the civil administration in the Panjáb, which has recently received the sanction of the Secretary of State for India, is to be found in the improvement of the judicial agency and the reform of the appellate system. The arrangements proposed for this purpose render necessary very large changes in the law under which the Panjáb Courts are now constituted (the Panjáb Courts Act, 1877), and the most convenient mode of giving effect to them appears to be to repeal that Act and re-enact its provisions with the necessary additions and modifications. This it is proposed to do by the present Bill.

2. The changes in the law which it is intended to make will now be noticed.

3. Chapter II deals with the constitution of the Courts. The present law confers the civil judicial powers of the Courts subordinate to the Chief Court upon the executive officers of Government from the Commissioner down to the Tahsíldár, though Act XIV of 1875 enables the Local Government to confer the powers of a Deputy Commissioner or of a Tahsíldár upon other persons, and under that Act civil judicial powers have been conferred upon a number of officers known as Judicial Assistants and Munsifs, whose functions are mainly, though not always exclusively, judicial. Similarly, the Civil and Sessions Judge of Peshâwar and certain Additional Commissioners have been invested with the judicial powers of Commissioners under Act XVII of 1877. It is now proposed to relieve Commissioners and Deputy Commissioners, as a rule, of civil judicial functions, though they will continue to exercise jurisdiction in certain classes of cases which will be transferred from the Civil to the Revenue Courts, and they may also be invested with civil judicial powers where the judicial work is so light as not to require the creation of special Courts. Commissioners will likewise be, as a rule, relieved of the functions as Sessions Judges which now devolve upon them, but this can be done under the Criminal Procedure Code, without special legislation.

4. Special designations which do not imply the exercise of executive functions are accordingly given to the Courts subordinate to the Chief Court (section 4).

5. With a view to strengthen the Courts of appeal in order to admit of greater finality being given to appellate decisions, it is proposed that the Court immediately subordinate to the Chief Court should ordinarily consist of two Judges, and that, while one of these Judges may be enabled by rule to exercise certain of the powers of the Court, a single Judge should not have power in the exercise of his appellate jurisdiction to reverse any order other than an interlocutory order passed by any Court.

6. Power is also taken (in section 7) to appoint the Commissioner of a Division to be one of the Judges of a Divisional Court in addition to his other duties, as it is in contemplation to establish one of the Divisional Courts at Derá Ismaíl Khán, and only one Judge will be available for that Court unless the Commissioner of the Deráját Division is appointed as one of the Judges.

7. The appointment of Assistant Judges and Subordinate Judges of the first class by the Local Government, and of Subordinate Judges of the second, third and fourth classes, corre-

sponding to the present Munsifs, by the Chief Court, subject to rules to be made by the Local Government, is provided for by section 9. The Court of the Assistant Judge will replace the Court of the Deputy Commissioner or Judicial Assistant under the present law, and no provision has hitherto been made by law as to the authority by which Munsifs may be appointed or removed.

8. The other differences between Chapter II of the Bill and the corresponding chapter of Act XVII of 1877 follow upon those which have been already described.

9. The third chapter, which provides for the jurisdiction and powers of the Chief Court, only differs from the corresponding chapter of Act XVII of 1877 in that section 19, relating to the transfer of suits, is assimilated to section 25 of the Civil Procedure Code; section 21 is modified so as to enable the Chief Court to make rules for the exercise by one or more of the Judges of a Divisional Court of the powers of that Court, except as regards the reversal of decrees, sentences or decisions of any Court, to provide by rule for the constitution of a full bench of the Chief Court, and to delegate to one of its Judges the power of determining what Judges shall sit alone or as a bench of the Court, and power is also taken to enable a single Judge of the Chief Court or of a Divisional Court to reverse an interlocutory order; sections 31 and 32 replace the reference in section 29 of the present Act to sections 633 and 637 of the Civil Procedure Code, and add what is necessary of sections 638 and 639 of that Code; and section 33 provides for the delivery of the judgments of a bench of Judges by any Judge who was a member of that bench, in accordance with existing practice, and with the analogy of section 199 of the Civil Procedure Code.

10. Chapter IV relates to the jurisdiction and powers of Courts subordinate to the Chief Court. The Divisional Court is declared to be the principal Civil Court of original jurisdiction, but the Local Government is enabled to empower any Assistant Judge or Deputy Commissioner with the powers of an Assistant Judge to exercise any of the powers of a District Court, so as to obviate the inconvenience of unduly limiting the number of Courts which can exercise jurisdiction under certain laws, *e. g.*, Acts XL of 1858, XXVII of 1860 and IX of 1861.

11. While the jurisdiction of the Divisional Court and of the Court of the Assistant Judge is unlimited as respects the value or amount in litigation, thus corresponding with the jurisdiction now exercised by Commissioners and Deputy Commissioners, that of the Subordinate Judge of the first class is limited to Rs. 5,000 instead of Rs. 10,000, which is the limit of the present jurisdiction of an Assistant Commissioner with full powers, and that of other Subordinate Judges may extend either to Rs. 100, to Rs. 500 or to Rs. 1,000.

12. In section 41 power is taken to invest Assistant Judges or Subordinate Judges with the jurisdiction of a Small Cause Court Judge for the trial of suits cognizable by a Small Cause Court within certain limits of value or amount.

13. The other changes in Chapter IV are those which are rendered necessary by the alterations of the law already described.

14. Chapter V relates to appellate jurisdiction in civil cases. It embodies the modifications proposed in the appellate system with the view of restricting the right of appeal so far as it is considered that the improved organization of the Courts will admit of this. The second appeals allowed by the Code of Civil Procedure, and the further appeals allowed by the present Panjáb Courts Act are abolished, and the decisions of appellate Courts are made final, except that the Judges of a Divisional Court are enabled, when they differ as to the judgment which should be passed, or when some question of law or custom or of general interest is involved, if they think the case of sufficient importance to justify further appeal, to grant a certificate permitting a further appeal to the Chief Court.

15. Appeals to Assistant Judges are confined to suits not above Rs. 500 in value, either of the Small Cause Court class or of any other class which the Chief Court, with the sanction of the Local Government, may determine to put upon the same footing, and appeals in suits above Rs. 5,000 in value, as well as appeals from decrees of the Divisional Court, will, when allowed by law, lie to the Chief Court, all other appeals allowed by law lying to the Divisional Court.

16. Section 47, relating to the transfer of appeals, has been modified to the same extent as section 19.

17. Chapter VI, which deals with Revenue Courts, is new, having been rendered necessary by the transfer of certain classes of suits enumerated in section 48 from the Civil to the Revenue Courts. It provides for the jurisdiction and powers of these Courts, for their procedure, for appeals from their decisions, for the revisional jurisdiction of the Financial Commissioner, and the controlling powers of the Financial Commissioner, Commissioner and Deputy Commissioner, respectively, for the transfer of suits and appeals, and for the distribution of business between Financial Commissioners when more than one such officer is appointed, the sanction which has been given by the Secretary of State to the appointment of a second Financial Commissioner rendering a provision of this nature necessary. Sections 64 and 65 correspond with sections 49 and 50 of the present Act, enabling the Local Government to confer judicial powers upon Settlement-officers, the only addition being that the officer may be so empowered either by name or in virtue of his office.

18. Chapter VII contains miscellaneous and supplementary provisions, some of which correspond with sections 46 to 48 of the present Act. Of the others, section 69 provides that any Judge of the Divisional Court shall be deemed to be the District Judge throughout its jurisdiction for the purposes of the Indian Divorce Act; section 70 provides for vacations; and section 71 for proceedings pending when this Bill becomes law; section 72 interprets certain expressions in sections 617 and 622 of the Civil Procedure Code so as to prevent doubt as to the cases in which the revisional jurisdiction of the Chief Court may be exercised; section 73 amends the Court-fees Act so that the fee leviable on a memorandum of appeal, when it exceeds the fee leviable on a petition to the Chief Court, may be charged on an application to it for the exercise of its revisional jurisdiction under section 622 of the Civil Procedure Code; and section 74 enables the Court in certain cases to grant a certificate authorizing the refund of the fee so charged.

The 25th June, 1884.

D. G. BARKLEY.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th July, 1884, and was referred to a Select Committee :—

No. 8 OF 1884.

THE KHOJÁ SUCCESSION BILL, 1884.

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SCHEDULE.—PORTIONS OF THE INDIAN SUCCESSION ACT (X OF 1865) MODIFIED FOR APPLICATION TO WILLS MADE BY KHOJÁS.

Explanation of abbreviation used in the margin.

"Bo. Bill" refers to the draft Bill prepared by the Commission and received with the letter from the Government of Bombay, No. 216, dated 14th January, 1880.

A Bill to amend and define the law of Testamentary and Intestate Succession to Khojás.

WHEREAS it is expedient to amend and define the law applicable to testamentary and intestate succession to Khojás; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Khojá Succession Act, 1884; and it shall extend to the whole of British India.

Short title. Local extent.

2. Except as provided by any other law for the time being in force, succession to the property, whether moveable or immoveable, in British India of a Khojá dying on or after the first day of January eighteen hundred and eighty-five shall be regulated by the rules contained in this Act, wherever he may have had his domicile at the time of his death.

[Act X of 1865, s. 5.]

Application.

Explanation.—Property in British India includes obligations enforceable there.

3. (*1*) In this Act, unless there is something repugnant in the subject or context,—

[Bo. Bill, s. 3.]

Definitions.

"son" means a legitimate son, and does not include an adopted son:

"grandson" means a son's son:

"great-grandson" means a grandson's son:

"daughter" means a legitimate daughter:

"father" and "mother" do not include step-father and step-mother:

"grandfather" and "grandmother" do not include a father's step-father or step-mother:

"brother" and "sister" do not include step-brother and step-sister, nor half-brother and half-sister:

"half-brother" means son of the same father but by another wife:

"lineal male descendant," used with reference to any person, means a male descended from that person through males only: [New.]

"degree" means a degree of kindred computed according to the rules laid down in sections 21, 22 and 24 of the Indian Succession Act, 1865, and the table of consanguinity thereto annexed: X of 1865.

"undivided property" means a share in the property belonging to an undivided family: [Home Dept. Office Memo. dated 12th August, 1868, para. 7.]

"restricted owner," used with reference to any property, means a female acquiring that property in the manner specified in section 21, section 23, sub-section (2), section 24, sub-section (1), section 27 and section 39. [New.]

(*2*) When it is provided in this Act that the members of any class shall take property and the shares which they are respectively to take therein are not specified, they shall take equal shares therein.

4. For the purposes of this Act there shall be no distinction between ancestral and self-acquired property, nor between moveable and immoveable property, nor between those born in the lifetime of a deceased owner of property and those who at the date of his death were only conceived in the womb, but who have been subsequently born alive.

[Bo. Bill, s. 7.]

No distinction between ancestral and self-acquired, nor between moveable and immoveable, property.

Child in womb.

[Act X of 1865, s. 23.]

The Khojá Succession Bill, 1884.

(Chapter II.—Of Succession to the Undivided Property of a Male Khojá dying intestate.—Sections 5-6.)

(Chapter III.—Of Succession to the Separate Property of a Male Khojá dying intestate.—Sections 7-20.)

CHAPTER II.

[Bo. Bill, ss. 8-12.]

OF SUCCESSION TO THE UNDIVIDED PROPERTY OF A MALE KHOJÁ DYING INTESTATE.

5. (*1*) When a male Khojá owning undivided property dies intestate in respect of that property, leaving legitimate lineal male descendants not more remote than the fourth degree, every such descendant shall be entitled to a share in that property unless one of the persons through whom he is descended from the intestate is living.

Where there are lineal male descendants within fourth degree.

(*2*) When the sharers under sub-section (1) all stand in the same degree of kindred to the intestate, their shares shall be equal.

[Act X of 1865, s. 33.]

(*3*) When the sharers under sub-section (1) do not all stand in the same degree of kindred to the intestate, the property shall be divided into such a number of equal shares as will correspond with the number of the sharers who stood in the nearest degree of kindred to him at his decease, and of his lineal male descendants of the like degree of kindred who died before him, and through whom the other sharers are descended from him; and one such share shall be allotted to each of the sharers who stood in the nearest degree of kindred to the intestate at his decease; and one such share shall be allotted in respect of each such deceased male descendant; and the share allotted in respect of each such deceased male descendant shall be divided among the sharers descended through him, in such manner that the sons of any person shall always take that which their father would have been entitled to if he had survived the intestate.

6. In default of legitimate lineal male descendants as aforesaid, the property of the intestate shall be divided equally among all the male members of his undivided family living at his death.

[Bo. Bill, s. 13.]

Where there are no lineal male descendants within fourth degree.

CHAPTER III.

OF SUCCESSION TO THE SEPARATE PROPERTY OF A MALE KHOJÁ DYING INTESTATE.

7. When a male Khojá owning property, not being undivided property, dies intestate in respect of that property, leaving legitimate lineal male descendants not more remote than the fourth degree, the property shall descend in the manner provided in section 5.

[Bo. Bill, s. 16.]

Where there are lineal male descendants within fourth degree.

8. In default of legitimate lineal male descendants as aforesaid, the intestate's father shall succeed to the property.

[Bo. Bill, s. 17.]

In default of such lineal male descendants, property to belong to the intestate's father.

9. In default of the father, the intestate's mother shall succeed to the property.

[Bo. Bill, s. 18.]

In default of the father, to the mother.

10. In default of the mother, the widow or widows of the intestate shall succeed to the property.

[Bo. Bill, s. 19, see *infra*, s. 24.]

In default of the mother, to the widows.

11. In default of widows, the daughters of the intestate shall succeed to the property.

[Bo. Bill, s. 20.]

In default of widows, to the daughters.

12. (*1*) In default of daughters, the sons of daughters shall succeed to the property, the sons of each daughter taking an equal share:

[Bo. Bill, s. 21.]

In default of daughters, to daughters' sons and to brothers.

Provided that, if the intestate has left brothers surviving him, the daughters' sons shall succeed to a moiety of the property, the sons of each daughter taking an equal share, and the brothers shall take the other moiety.

(*2*) In default of daughters' sons, the brothers shall take the whole of the property.

13. In default of brothers, the daughters of the intestate's sons shall succeed to the property, the daughters of each son taking an equal share.

[Bo. Bill, s. 22.]

In default of brothers, to sons' daughters.

14. In default of sons' daughters, the sons of the intestate's brothers shall succeed to the property, the sons of each brother taking an equal share.

[Bo. Bill, s. 23.]

In default of sons' daughters, to brothers' sons.

15. In default of brothers' sons, the half-brothers of the intestate shall succeed to the property.

[Bo. Bill, s. 24.]

In default of brothers' sons, to half-brothers.

16. In default of half-brothers, the sons of half-brothers shall succeed to the property, the sons of each half-brother taking an equal share.

[Bo. Bill, s. 25.]

In default of half-brothers, to half-brothers' sons.

17. In default of sons of half-brothers, the paternal grandfather shall succeed to the property; and in default of the paternal grandfather, the paternal grandmother shall succeed to it.

[Bo. Bill, s. 26.]

In default of half-brothers' sons, to the grandfather; and in default of the grandfather, to the grandmother.

18. In default of the paternal grandmother, the paternal uncles shall succeed to the property.

[Bo. Bill, s. 27.]

In default of the grandmother, to paternal uncles.

19. In default of paternal uncles, the sisters of the intestate shall succeed to the property.

[Bo. Bill, s. 28.]

In default of paternal uncles, to sisters.

20. In default of sisters, the property shall belong to those of the intestate's relatives on the father's side who stand in the nearest degree of kindred to the intestate; and, in default of relatives on the father's side, to those of the intestate's relatives on the mother's side who stand in the nearest degree of kindred to the intestate:

[Bo. Bill, s. 29.]

In default of sisters, to the nearest of kin.

Provided that no female relative shall be entitled to share in the property if there is a male relative standing on the same side in the same degree of kindred to the intestate.

The Khojá Succession Bill, 1884.

(Chapter IV.—Of Succession to the Absolute Property of a Female Khojá dying intestate.—Sections 23-27.)

(Chapter V.—Of Property which a Female takes as Restricted Owner, and the further Succession to the same.—Section 28.)

[Bo. Bill, s. 33. See sec. 48, infra.]

21. If, at the death of the intestate, any of the male heirs mentioned in sections 7 to 18 (both inclusive), or any male relative of the intestate on the father's side not more remote than the seventh degree of kindred to the intestate, is living, a female succeeding under any of the foregoing sections shall take the property as restricted owner.

When female takes as restricted owner under foregoing sections.

[Bo. Bill, s. 30.]

22. When a male Khojá dies intestate in respect of any ornaments belonging to him, and not being undivided property, which are in the possession of his wife with his consent, and the wife does not acquire the ownership, whether absolute or restricted, of the ornaments under this Act, she shall be entitled to retain possession of them until she dies or re-marries.

Widow's right to retain possession of ornaments.

CHAPTER IV.

OF SUCCESSION TO THE ABSOLUTE PROPERTY OF A FEMALE KHOJÁ DYING INTESTATE.

[Bo. Bill, s. 38.]

23. (*1*) When an unmarried female Khojá owning property otherwise than as a restricted owner dies intestate in respect of that property, it shall belong to her brothers; in default of brothers, to her father; in default of the father, to her mother; in default of the mother, to the relatives of the intestate on the father's side who stand in the nearest degree of kindred to the intestate; and, in default of such relatives, to the relatives on the mother's side who stand in the nearest degree of kindred to the intestate.

Descent of unmarried female's absolute property.

[Bo. Bill, ss. 32 & 33.]

(*2*) If at the death of the intestate any male relative of the intestate on the father's side not more remote than the seventh degree of kindred to the intestate is living, a female succeeding under this section, whether in preference to or together with that male relative, shall take the property as restricted owner.

[Bo. Bill, s. 31.]

24. (*1*) When a married female Khojá owning property otherwise than as restricted owner dies intestate in respect of that property, it shall belong to her sons and daughters; and the daughters shall take it as restricted owners.

Descent of married female's absolute property.

[Bo. Bill, s. 32.]

(*2*) In default of sons and daughters, the property shall, except as provided in sub-section (*3*), belong to her husband.

(*3*) If the property has been given to the female on the occasion of her marriage separately from the "Dej" for her sole use and benefit by her parents or relatives, it shall, in default of sons and daughters, belong—

(*a*) to her father; and

(*b*) in default of the father, to the person to whom it would then have belonged if it had been the property of the father at his death and had descended without having been alienated.

(*4*) A female taking property under clause (*b*) of sub-section (3) shall not take it as restricted owner.

[Bo. Bill, s. 37.]

25. (*1*) When a female Khojá, being a widow or divorced and owning property otherwise than as restricted owner, dies intestate in respect of that property, leaving legitimate lineal descendants not more remote than the fourth degree, every such descendant shall be entitled to a share of the property unless one of the persons through whom he is descended from the intestate is living.

Descent of absolute property of widow or divorced female leaving lineal descendants within the fourth degree.

(*2*) When the sharers under sub-section (*1*) all stand in the same degree of kindred to the intestate, their shares shall be equal.

[Act X of 1865, s. 33.]

(*3*) When the sharers under sub-section (1) do not all stand in the same degree of kindred to the intestate, the property shall be divided into such a number of equal shares as may correspond with the number of the sharers who stood in the nearest degree of kindred to her at her decease, and of lineal descendants of the like degree of kindred who died before her and through whom the other sharers are descended from her; and one such share shall be allotted to each of the sharers who stood in the nearest degree of kindred to the intestate at her decease; and one such share shall be allotted in respect of each such deceased descendant; and the share allotted in respect of each such deceased descendant shall be divided among the sharers descended through him, in such manner that the children of any person shall always take what that person would have been entitled to if he had survived the intestate.

[Bo. Bill, s. 37.]

26. (*1*) In default of the descendants mentioned in section 25, the property shall belong to the brothers of the intestate; in default of brothers, to her father; in default of the father, to her mother.

Where there are no such lineal descendants.

(*2*) In default of the mother, the property shall belong to the relatives of the intestate on the father's side who stand in the nearest degree of kindred, and, in default of such relatives, to the relatives of the intestate on the mother's side who stand in the nearest degree of kindred.

[Bo. Bill, s. 32.]

27. If, at the death of the intestate, any of the male heirs mentioned in section 25 and the first sub-section of section 26, or any male relative of the intestate on the father's side not more remote than the seventh degree of kindred to the intestate, is living, a female succeeding under section 25 or section 26, whether in preference to or together with that heir or relative, shall take the property as restricted owner.

When female taking under section 25 or 26 takes as restricted owner.

CHAPTER V.

OF PROPERTY WHICH A FEMALE TAKES AS RESTRICTED OWNER, AND THE FURTHER SUCCESSION TO THE SAME.

[Bo. Bill, s. 3; "life-estate," "stridhan."]

28. A female taking property as restricted owner shall be absolutely entitled to the use of, and the income accruing from, that property during her life, and, except as otherwise provided by this Act, shall have all the other rights and powers of an absolute owner in respect of that property.

Nature of restricted ownership generally.

The Khojá Succession Bill, 1884.

(Chapter V.—Of Property which a Female takes as Restricted Owner, and the further Succession to the same.—Sections 29-36.)

[Bo. Bill, s. 3; "life-estate."]

29. Except as provided by section 31, no right to, over or in respect of property created by a restricted owner of that property shall have effect for any time beyond her life:

Powers of alienation limited.

[New.]

Provided that nothing in this section shall affect a lease granted at a fair rent for a term not exceeding twenty years, and without payment of any fine or premium, or a right created for consideration in favour of a person acting in good faith, and without notice of the ownership being restricted.

[Act II of 1882, s. 3.]

Explanation.—A person has notice of the ownership being restricted when he actually knows that it is restricted, or when, but for wilful abstention from enquiry or gross negligence, he would have known it, or when information of it is given to, or obtained by, his agent under the circumstances mentioned in the Indian Contract Act, 1872, section 229.

IX of 1872.

30. A female taking property as restricted owner shall be bound, so far as it is possible for her to do so without applying her other property for that purpose,—

Obligations of restricted owner.

(*a*) to preserve the substance of the property without any material alteration, deterioration or diminution except such as may be essential to the realization of the full income of it in a reasonable manner, and to deal with it in all respects as carefully as a person of ordinary prudence would deal with property which he hoped to transmit in good condition to his heirs; and

[Act II of 1882, s. 13.]

(*b*) to make such payments, institute, maintain and defend such suits and other proceedings, and take such other steps as, regard being had to the nature and amount or value of the property, may be reasonably requisite for the assertion and protection of the title thereto, for the protection of the interest of those who are to take it after her, or for the recovery of any portion of it which is not in her possession.

[Bo. Bill, s. 3; "life-estate."]

31. A female taking property as restricted owner shall have power to transfer the same, so that the transfer may have effect beyond her life when, the income being insufficient, such transfer is necessary in order to raise money for any of the following purposes, namely:—

Restricted owner's power of transfer.

(*a*) to discharge any of the obligations imposed by section 30;

(*b*) to discharge the debts of the absolute owner from whom the property descended;

(*c*) to provide for the maintenance of any persons entitled under this Act to have their maintenance provided for out of the property, for the payment of any marriage expenses or funeral expenses payable under this Act out of the property, and for the performance of any ordinary family ceremonies; and

(*d*) to support herself where she has no other sufficient means of support.

[New]. [Act II of 1882, s. 34.]

32. (*1*) A restricted owner of property may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction to sanction any transfer of that property which she proposes to make under section 31.

Power to apply to Court to sanction a transfer under section 31.

(*2*) The petition must state the names of all the persons interested in the application so far as they can be ascertained, and must be verified by the applicant or by some other competent person in the manner required by law for the verification of plaints; and, if it contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, that person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code. XLV of 1860.

(*3*) A copy of the petition shall be served upon, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

(*4*) A transfer made with the sanction of a Court obtained under this section shall be deemed to be warranted by section 31.

[New].

33. A Court dealing with an application under section 32 may, if it thinks fit, sanction the transfer proposed subject to the condition that the money raised by the transfer shall be paid into Court or to trustees apppointed by the Court, and may give such further directions as it thinks fit with a view to ensuring that the money shall be applied to the purpose for which it is raised, or that any balance thereof which is not required for that purpose, shall be secured for the benefit of those who would take the property after the restricted owner.

Power to direct money raised to be paid into Court.

34. When property belonging to a female as restricted owner is sold in execution of a decree passed against her, the interest taken by the purchaser shall cease on her death,—

Effect of sale in execution against restricted owner.

except when, without any collusion between her and the plaintiff,—

(*a*) the decree is passed against her as representative of the absolute owner from whom the property descended; or

(*b*) the decree is one for sale passed on a mortgage made under section 31 so as to take effect beyond the life of the female.

35. A decision in any suit or other proceeding, or a compromise of any dispute, relating to the property to which the restricted owner is a party, shall, except where she acts in collusion with the party opposed to her, bind those who take the property after her under this Act in the same manner and to the same extent as if she were an absolute owner of the property.

Effect of decision or compromise to which the restricted owner is a party.

36. In any case in which, under any enactment for the time being in force, an owner of property would by lapse of time lose any right to, over or in respect of that property, or any means of enforcing any such right, or another person would by lapse of time acquire any right to, over or in respect of that property, any period which elapses during the continuance of the restricted ownership shall be reckoned as against those taking the property after the termination of that ownership in the same manner and to the same extent as if the restricted owner had been an absolute

Effect of lapse of time during continuance of restricted ownership.

The Khojá Succession Bill, 1884.

(Chapter VI.—Of Wills of Khojás.—Sections 42-43.)

owner of the property and it had been taken by them as her heirs.

[Bo. Bill, s. 39.]

37. (*1*) When property has descended to a female as restricted owner and she dies unmarried, it shall belong to the person to whom it would then have belonged if she had died before the absolute owner from whom it descended and it had descended under this Act without having been alienated.

Further descent of property held by unmarried female as restricted owner.

(*2*) In default of such person, the property shall descend as if the female were not a restricted owner.

[Bo. Bill, s. 41.]

38. (*1*) When property has descended to a female as restricted owner and she dies, being at the time of her death married, a widow or divorced from her husband, the property shall be divided among her legitimate lineal male descendants, not being more remote than the fourth degree, those nearest in degree of kindred to her excluding the more remote, and, when those nearest in degree are not her sons, the property being so divided amongst them that the sons of any person shall take the share which he would have taken if the fathers of all had survived the restricted owner.

Further descent of restricted property of married or divorced female or widow.

(*2*) In default of legitimate lineal male descendants as aforesaid, the property shall belong to the daughters of the deceased; in default of daughters, the property shall belong to the legitimate lineal male descendants of daughters, not being more remote from the deceased than the fourth degree, those nearest in degree excluding the more remote; the descendants of each daughter, when they take, taking an equal share, and when they are not sons of the daughters, that share being so divided among them that the sons of any person shall take what he would have taken if the fathers of all had survived the restricted owner.

(*3*) In default of legitimate lineal male descendants of daughters as aforesaid, the property shall belong to the person to whom it would then have belonged if the restricted owner had died before the absolute owner from whom it descended, and it had descended under this Act without having been alienated.

(*4*) In default of such person, the property shall descend as if the female were not a restricted owner.

[Bo. Bill, s. 32.]

39. When property, having descended to a female as restricted owner, subsequently descends to another female under section 37, sub-section (1), or section 38, sub-section (3), that female shall take it as restricted owner.

When female taking property under sections 37 and 38 takes as restricted owner.

[Bo. Bill, s. 19.]

40. Notwithstanding anything in the foregoing sections, when two or more widows of a deceased Khojá take his property under this Act as restricted owners,—

Widows taking together as restricted owners to have a right of survivorship.

(1) there shall be as between them a right of survivorship in respect of that property;

(2) the proviso to section 29 shall not apply to any lease of or any right to, over or in respect of the property, or any part or share thereof, granted or created by one or more of them without the consent in writing of the other or others of them then surviving;

(3) section 31 and section 32 shall not apply to any transfer made by one or more of them without the consent in writing of the other or others of them then surviving;

(4) section 35 shall not apply to any decision in any suit or proceeding or to any compromise unless all of them then surviving are parties to that suit, proceeding or compromise.

41. Notwithstanding anything in the foregoing sections, a widow marrying again after her husband's death shall not be entitled to take as restricted owner his property or any property of any of his lineal descendants which has descended to them from him; and a widow taking any such property as restricted owner under the foregoing sections and subsequently marrying again shall, for the purpose of applying sections 28, 29, 34, 38 and 40, to that property, be deemed to have died.

Effect of re-marriage of widow claiming or holding as restricted owner.

[Bo. Bill, s. 31: Act XV of 1856, s. 2.]

CHAPTER VI.

OF WILLS OF KHOJÁS.

42. Subject to the provisions of this Act, the portions of the Indian Succession Act, 1865, set forth in the schedule hereto annexed, with the modifications shown in that schedule, shall, notwithstanding anything contained in section 331 of that Act, apply to all wills made by a Khojá, whether male or female, dying on or after the first day of January eighteen hundred and eighty-five; and

Extension of portions of Act X of 1865 with certain modifications to wills of Khojás.

[Bo. Bill, ss. 4, 5 & 6.]

X of 1865.

in the portions of the Act so applying all words defined in section 3 of the Act shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as that section has attached to them respectively;

Provided that—

(*a*) For the purpose of the portions of the Act so applying, no person to whom the Indian Majority Act, 1875, applies shall be deemed to have attained his majority before the time specified in this behalf in that Act.

IX of 1875.

(*b*) A bequest by a Khojá in favour of any person who has not come into existence at the death of the testator, or in favour of a class of persons any one of whom has not come into existence at that time, shall be void.

(*c*) When a bequest is void under clause (*b*), any bequest contained in the same will and intended to take effect after or upon failure of such prior bequest shall also be void.

43. Notwithstanding anything contained in the foregoing sections, a Khojá may bequeath property to or for the benefit of a woman so that she shall not have power to transfer or charge the same or her beneficial interest therein.

Bequest of property to woman without power to transfer or charge.

[Act IV of 1882, s. 10.]

The Khojá Succession Bill, 1884.

(Chapter VII.—Of Maintenance and Marriage and Funeral Expenses.—Secs. 44-47).

(Chapter VIII.—Miscellaneous.—Sections 48-51.)

CHAPTER VII.

OF MAINTENANCE AND MARRIAGE AND FUNERAL EXPENSES.

[Bo. Bill, ss. 34 & 43.]

44. (*1*) The amount requisite for the maintenance of the following persons and the amount of their necessary funeral expenses shall, if they do not possess or leave means sufficient for the purpose, be payable out of any property of a deceased male Khojá in respect of which he has died intestate.

Maintenance and funeral expenses payable out of intestate's property.

(*2*) The persons referred to are—

(*a*) the widow or widows of the deceased Khojá and the widows of his legitimate lineal male descendants, provided they have not married again;

(*b*) every daughter and sister (whether legitimate or not) of the deceased Khojá, and every legitimate daughter of his son, grandson or great-grandson, except when she has been married and her husband is living;

(*c*) the father, mother, grandfather and grandmother of the deceased Khojá; and

(*d*) his illegitimate sons until they attain their majority.

[Bo. Bill, s. 44.]

45. The expenses of the first or only marriage of every daughter (whether legitimate or not) of a deceased male Khojá, and of every legitimate daughter of his deceased son, grandson or great-grandson, if not otherwise sufficiently provided for, shall be payable out of any of his property in respect of which he has died intestate.

Marriage expenses payable out of intestate's property.

[Bo. Bill, s. 45.]

46. If a male Khojá dies leaving a legitimate lineal male descendant who has not attained his majority, or a daughter who is unmarried or a widow, and having disposed of his property by will in such a manner as to leave that descendant, daughter or widow without sufficient means for the purpose, the amount requisite for the maintenance, of the descendant during his minority, or of the daughter while she remains unmarried or of the widow until her death or re-marriage (as the case may be) shall be payable out of the testator's property; and if the descendant dies before he attains his majority or the daughter dies unmarried or the widow dies without re-marrying, his or her necessary funeral expenses shall be payable out of that property.

Maintenance and funeral expenses payable out of property of testator.

[New.]

47. Any sum claimable for maintenance or marriage expenses or funeral expenses under section 44, section 45 or section 46 out of any property of a deceased male Khojá shall be recoverable as if it was due under a contract made by the Khojá in his lifetime and he had died leaving only that property:

Recovery of sums claimable under sections 44, 45 and 46.

Provided that—

first, the property shall be applied to the payment of debts due by the deceased before being applied to the payment of sums so claimable;

secondly, no decree shall be passed for arrears of any allowance on account of maintenance unless the amount of the allowance has been fixed by agreement or by order of a Court; and

thirdly, when a suit is instituted for the purpose of having any such allowance fixed against a person taking the property by intestate succession, and that person is able and willing to maintain or provide for the maintenance of the person by or on whose behalf the suit is instituted, and gives security to the satisfaction of the Court for his so doing, the Court may, if it thinks fit, dismiss the suit.

CHAPTER VIII.

MISCELLANEOUS.

[Bo. Bill, s. 42. Act X of 1865, s. 28.]

48. When a Khojá dies intestate in respect of any of his property, and there is no person entitled to take that property under the foregoing sections, it shall go to the Crown.

Property when to go to the Crown.

Females succeeding under this Act to take as males, except in certain cases.

49. Except as otherwise provided by this Act—

(*1*) a female taking property by intestate succession under this Act shall have the same interest in it, and the same powers in respect of it, as if she were a male; and

(*2*) a female taking property under any testamentary disposition under this Act shall have the same interest in it, and the same powers in respect of it, as a male taking under a like disposition.

[Bo. Bill, s. 35. Act XV of 1856, s. 3.]

50. If a widow of a deceased Khojá, not having been appointed by his will to be guardian for his children, marries again, she shall not be entitled as of right to be appointed guardian of the children by a Court under any law for the time being in force relating to the appointment of guardians, and, when she has before her re-marriage been so appointed, a Court having jurisdiction to appoint a guardian for the children may in its discretion remove her from the guardianship.

Guardianship of children where widow re-marries.

Property transferable by gift made in contemplation of death.

51. A Khojá may dispose, by gift made in contemplation of death, of any moveable property which he could dispose of by will.

A gift is said to be made in contemplation of death where a person who is ill and expects to die shortly of his illness delivers to another the possession of any moveable property to keep as a gift in case the donor shall die of that illness.

When gift said to be made in contemplation of death.

Such gift resumable.

Such a gift may be resumed by the giver.

It does not take effect if he recovers from the illness during which it was made, nor if he survives the person to whom it was made.

When it fails.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

Illustrations.

(*a.*) A being ill, and in expectation of death, delivers to B, to be retained by him in case of A's death—

a watch:

a bond granted by C to A:

a bank-note:

a promissory note of the Government of India endorsed in blank:

a bill of exchange endorsed in blank:

certain mortgage-deeds.

A dies of the illness during which he delivered these articles.

B is entitled to—

the watch:

the debt secured by C's bond:

the bank-note:

the promissory note of the Government of India:

the bill of exchange:

the money secured by the mortgage-deeds.

(*b.*) A being ill, and in expectation of death, delivers to B the key of a trunk, or the key of a warehouse in which goods of bulk belonging to A are deposited, with the intention of giving him the control over the contents of the trunk, or over the deposited goods, and desires him to keep them in case of A's death. A dies of the illness during which he delivered these articles. B is entitled to the trunk and its contents, or to A's goods of bulk in the warehouse.

(*c.*) A being ill and in expectation of death, puts aside certain articles in separate parcels, and marks upon the parcels respectively the names of B and C. The parcels are not delivered during the life of A. A dies of the illness during which he set aside the parcels. B and C are not entitled to the contents of the parcels.

SCHEDULE.

(*See Section 42.*)

PORTIONS OF THE INDIAN SUCCESSION ACT (X OF 1865) MODIFIED FOR APPLICATION TO WILLS MADE BY KHOJÁS.

Note.—Modifications are shewn in italics; omissions by asterisks.

PART VII.

Of Wills and Codicils.

Persons capable of making wills.

46. Every person of sound mind and not a minor may dispose of his property by will.

Explanation 1.—A married woman may dispose by will of any property which she could alienate by her own act during her life.

Explanation 2.—Persons who are deaf, or dumb, or blind are not thereby incapacitated for making a will if they are able to know what they do by it.

Explanation 3.—One who is ordinarily insane may make a will during an interval in which he is of sound mind.

Explanation 4.—No person can make a will while he is in such a state of mind, whether arising from drunkenness, or from illness, or from any other cause, that he does not know what he is doing.

Illustrations.

(*a.*) A can perceive what is going on in his immediate neighbourhood, and can answer familiar questions, but has not a competent understanding as to the nature of his property, or the persons who are of kindred to him, or in whose favour it would be proper that he should make his will. A cannot make a valid will.

(*b.*) A executes an instrument purporting to be his will, but he does not understand the nature of the instrument nor the effect of its provisions. This instrument is not a valid will.

(*c.*) A, being very feeble and debilitated, but capable of exercising a judgment as to the proper mode of disposing of his property, makes a will. This is a valid will.

Testamentary guardian.

47. A father, whatever his age may be, may by will appoint a guardian or guardians for his child during minority.

Will obtained by fraud, coercion or importunity.

48. A will or any part of a will, the making of which has been caused by fraud or coercion, or by such importunity as takes away the free agency of the testator, is void.

Illustrations.

(*a.*) A falsely and knowingly represents to the testator that the testator's only child is dead, or that he has done some undutiful act, and thereby induces the testator to make a will in his, A's, favour; such will has been obtained by fraud and is invalid.

(*b.*) A by fraud and deception prevails upon the testator to bequeath a legacy to him. The bequest is void.

(*c.*) A, being a prisoner by lawful authority, makes his will. The will is not invalid by reason of the imprisonment.

(*d.*) A threatens to shoot B, or to burn his house, or to cause him to be arrested on a criminal charge, unless he makes a bequest in favour of C. B in consequence makes a bequest in favour of C. The bequest is void, the making of it having been caused by coercion.

(*e.*) A being of sufficient intellect, if undisturbed by the influence of others, to make a will, yet being so much under the control of B that he is not a free agent, makes a will dictated by B. It appears that he would not have executed the will but for fear of B. The will is invalid.

(*f.*) A, being in so feeble a state of health as to be unable to resist importunity, is pressed by B to make a will of a certain purport, and does so merely to purchase peace, and in submission to B. The will is invalid.

(*g.*) A being in such a state of health as to be capable of exercising his own judgment and volition, B uses urgent intercession and persuasion with him to induce him to make a will of a certain purport. A, in consequence of the intercession and persuasion, but in the free exercise of his judgment and volition, makes his will in the manner recommended by B. The will is not rendered invalid by the intercession and persuasion of B.

(*h.*) A, with a view to obtaining a legacy from B, pays him attention and flatters him, and thereby produces in him a capricious partiality to A. B, in consequence of such attention and flattery, makes his will, by which he leaves a legacy to A. The bequest is not rendered invalid by the attention and flattery of A.

Will may be revoked or altered.

49. A will is liable to be revoked or altered by the maker of it at any time when he is competent to dispose of his property by will.

PART VIII.

Of the Execution of Unprivileged Wills.

Execution of unprivileged wills.

50. Every testator, not being a soldier employed in an expedition, or engaged in actual warfare, or a mariner at sea, must execute his will according to the following rules:—

First.—The testator shall sign or shall affix his mark to the will, or it shall be signed by some other person in his presence and by his direction.

Second.—The signature or mark of the testator, or the signature of the person signing for him, shall be so placed that it shall appear that it was

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intended thereby to give effect to the writing as a will.

Third.—The will shall be attested by two or more witnesses, each of whom must have seen the testator sign or affix his mark to the will, or have seen some other person sign the will in the presence and by the direction of the testator, or have received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person; and each of the witnesses must sign *or affix his mark to* the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.

Incorporation of papers by reference.

51. If a testator, in a will or codicil duly attested, refers to any other document then actually written, as expressing any part of his intentions, such document shall be considered as forming a part of the will or codicil in which it is referred to.

PART IX.

Of Privileged Wills.

Privileged wills.

52. Any soldier being employed in an expedition, or engaged in actual warfare, or any mariner being at sea, may, if he has completed the age of eighteen years, dispose of his property by a will made as is mentioned in the fifty-third section. Such wills are called privileged wills.

Illustrations.

(*a.*) A, the surgeon of a regiment, is actually employed in an expedition. He is a soldier actually employed in an expedition, and can make a privileged will.

(*b.*) A is at sea in a merchant-ship, of which he is the purser. He is a mariner, and being at sea can make a privileged will.

(*c.*) A, a soldier serving in the field against insurgents, is a soldier engaged in actual warfare, and as such can make a privileged will.

(*d.*) A, a mariner of a ship in the course of a voyage, is temporarily on shore, while she is lying in harbour. He is, in the sense of the words used in this clause, a mariner at sea, and can make a privileged will.

(*e.*) A, an admiral who commands a naval force, but who lives on shore, and only occasionally goes on board his ship, is not considered as at sea, and cannot make a privileged will.

(*f.*) A, a mariner serving on a military expedition, but not being at sea, is considered as a soldier, and can make a privileged will.

Mode of making, and rules for executing, privileged wills.

53. Privileged wills may be in writing, or may be made by word of mouth.

The execution of them shall be governed by the following rules:—

First.—The will may be written wholly by the testator, with his own hand. In such case it need not be signed nor attested.

Second.—It may be written wholly or in part by another person, and signed by the testator. In such case it need not be attested.

Third.—If the instrument purporting to be a will is written wholly or in part by another person, and is not signed by the testator, it shall be considered to be his will, if it be shown that it was written by the testator's directions, or that he recognized it as his will.

If it appear on the face of the instrument that the execution of it in the manner intended by him was not completed, the instrument shall not by reason of that circumstance be invalid, provided that his non-execution of it can be reasonably ascribed to some cause other than the abandonment of the testamentary intentions expressed in the instrument.

Fourth.—If the soldier or mariner shall have written instructions for the preparation of his will, but shall have died before it could be prepared and executed, such instructions shall be considered to constitute his will.

Fifth.—If the soldier or mariner shall, in the presence of two witnesses, have given verbal instructions for the preparation of his will, and they shall have been reduced into writing in his lifetime, but he shall have died before the instrument could be prepared and executed, such instructions shall be considered to constitute his will, although they may not have been reduced into writing in his presence, nor read over to him.

Sixth.—Such soldier or mariner as aforesaid may make a will by word of mouth by declaring his intentions before two witnesses present at the same time.

Seventh.—A will made by word of mouth shall be null at the expiration of one month after the testator shall have ceased to be entitled to make a privileged will.

PART X.

Of the Attestation, Revocation, Alteration and Revival of Wills.

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Witness not disqualified by interest or by being executor.

55. No person, by reason of interest in, or of his being an executor of, a will, is disqualified as a witness to prove the execution of the will or to prove the validity or invalidity thereof.

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Revocation of unprivileged will or codicil.

57. No unprivileged will or codicil, nor any part thereof, shall be revoked otherwise than * * * * * by another will or codicil, or by some writing declaring an intention to revoke the same, and executed in the manner in which an unprivileged will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Illustrations.

(*a.*) A has made an unprivileged will. Afterwards A makes another unprivileged will which purports to revoke the first. This is a revocation.

(*b.*) A has made an unprivileged will. Afterwards, A being entitled to make a privileged will, makes a privileged will which purports to revoke his unprivileged will. This is a revocation.

Effect of obliteration, interlineation or alteration in unprivileged will.

58. No obliteration, interlineation or other alteration made in any unprivileged will after the execution thereof shall have any effect, except so far as the words or meaning of the will shall have been thereby rendered illegible or undiscernible, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; save that the will,

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as so altered, shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will.

Revocation of privileged will or codicil.

59. A privileged will or codicil may be revoked by the testator, by an unprivileged will or codicil, or by any act expressing an intention to revoke it, and accompanied with such formalities as would be sufficient to give validity to a privileged will, or by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Explanation.—In order to the revocation of a privileged will or codicil by an act accompanied with such formalities as would be sufficient to give validity to a privileged will, it is not necessary that the testator should at the time of doing that act be in a situation which entitles him to make a privileged will.

Revival of unprivileged will.

60. No unprivileged will or codicil, nor any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required, and showing an intention to revive the same;

Extent of revival of will or codicil partly revoked and afterwards wholly revoked.

and when any will or codicil which shall be partly revoked and afterwards wholly revoked shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown by the will or codicil.

PART XI.

Of the Construction of Wills.

Wording of will.

61. It is not necessary that any technical words or terms of art shall be used in a will, but only that the wording shall be such that the intentions of the testator can be known therefrom.

Enquiries to determine questions as to object or subject of will.

62. For the purpose of determining questions as to what person or what property is denoted by any words used in a will, a Court must inquire into every material fact relating to the persons who claim to be interested under such will, the property which is claimed as the subject of disposition, the circumstances of the testator and of his family, and into every fact a knowledge of which may conduce to the right application of the words which the testator has used.

Illustrations.

(*a.*) A, by his will, bequeaths 1,000 rupees to his eldest son or to his youngest grandchild, or to his cousin Mary. A Court may make inquiry in order to ascertain to what person the description in the will applies.

(*b.*) A, by his will, leaves to B "his estate called Black Acre." It may be necessary to take evidence in order to ascertain what is the subject-matter of the bequest; that is to say, what estate of the testator's is called Black Acre.

(*c.*) A, by his will, leaves to B "the estate which he purchased of C." It may be necessary to take evidence in order to ascertain what estate the testator purchased of C.

Misnomer or misdescription of object.

63. Where the words used in the will to designate or describe a legatee, or a class of legatees, sufficiently show what is meant, an error in the name or description shall not prevent the legacy from taking effect.

A mistake in the name of a legatee may be corrected by a description of him, and a mistake in the description of a legatee may be corrected by the name.

Illustrations.

(*a.*) A bequeaths a legacy "to Thomas, the second son of his brother John." The testator has an only brother, named John, who has no son named Thomas, but has a second son whose name is William. William shall have the legacy.

(*b.*) A bequeaths a legacy "to Thomas, the second son of his brother John." The testator has an only brother named John, whose first son is named Thomas, and whose second son is named William. Thomas shall have the legacy.

(*c.*) The testator bequeaths his property "to A and B, the legitimate children of C." C has no legitimate child, but has two illegitimate children, A and B. The bequest to A and B takes effect, although they are illegitimate.

(*d.*) The testator gives his residuary estate to be divided among "his seven children," and proceeding to enumerate them, mentions six names only. This omission shall not prevent the seventh child from taking a share with the others.

(*e.*) The testator, having six grand-children, makes a bequest to "his six grand-children," and proceeding to mention them by their Christian names, mentions one twice over, omitting another altogether. The one whose name is not mentioned shall take a share with the others.

(*f.*) The testator bequeaths "1,000 rupees to each of the three children of A." At the date of the will A has four children. Each of these four children shall, if he survives the testator, receive a legacy of 1,000 rupees.

When words may be supplied.

64. Where any word material to the full expression of the meaning has been omitted, it may be supplied by the context.

Illustration.

The testator gives a legacy of "five hundred" to his daughter A, and a legacy of "five hundred rupees" to his daughter B. A shall take a legacy of five hundred rupees.

Rejection of erroneous particulars in description of subject.

65. If the thing which the testator intended to bequeath can be sufficiently identified from the description of it given in the will, but some parts of the description do not apply, such parts of the description shall be rejected as erroneous and the bequest shall take effect.

Illustrations.

(*a.*) A bequeaths to B "his marsh-lands lying in L, and in the occupation of X." The testator had marsh-lands lying in L, but had no marsh-lands in the occupation of X. The words "in the occupation of X" shall be rejected as erroneous, and the marsh-lands of the testator lying in L shall pass by the bequest.

(*b.*) The testator bequeaths to A "his zamíndárí of Rámpúr." He had an estate at Rámpúr, but it was a taluq and not a zamíndárí. The taluq passes by this bequest.

When part of description may not be rejected as erroneous.

66. If the will mentions several circumstances as descriptive of the thing which the testator intends to bequeath, and there is any property of his in respect of which all those circumstances exist, the bequest shall be considered as limited to such property, and it shall not be lawful to reject any part of the description as erroneous because the testator had other property to which such part of the description does not apply.

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Explanation.—In judging whether a case falls within the meaning of this section, any words which would be liable to rejection under the sixty-fifth section are to be considered as struck out of the will.

Illustrations.

(*a.*) A bequeaths to B "his marsh-lands lying in L, and in the occupation of X." The testator had marsh-lands lying in L, some of which were in the occupation of X, and some not in the occupation of X. The bequest shall be considered as limited to such of the testator's marsh-lands lying in L as were in the occupation of X.

(*b.*) A bequeaths to B "his marsh-lands lying in L, and in the occupation of X, comprising 1,000 bighás of land." The testator had marsh-lands lying in L, some of which were in the occupation of X, and some not in the occupation of X. The measurement is wholly inapplicable to the marsh-lands of either class, or to the whole taken together. The measurement shall be considered as struck out of the will, and such of the testator's marsh-lands lying in L as were in the occupation of X shall alone pass by the bequest.

Extrinsic evidence admissible in case of latent ambiguity.

67. Where the words of the will are unambiguous, but it is found by extrinsic evidence that they admit of applications one only of which can have been intended by the testator, extrinsic evidence may be taken to show which of these applications was intended.

Illustrations.

(*a.*) A man, having two cousins of the name of Mary, bequeaths a sum of money to "his cousin Mary." It appears that there are two persons each answering the description in the will. That description, therefore, admits of two applications, only one of which can have been intended by the testator. Evidence is admissible to show which of the two applications was intended.

(*b.*) A, by his will, leaves to B "his estate called Sultánpur Khurd." It turns out that he had two estates called Sultánpur Khurd. Evidence is admissible to show which estate was intended.

Extrinsic evidence inadmissible in cases of patent ambiguity or deficiency.

68. Where there is an ambiguity or deficiency on the face of the will, no extrinsic evidence as to the intentions of the testator shall be admitted.

Illustrations.

(*a.*) A man has an aunt Caroline and a cousin Mary, and has no aunt of the name of Mary. By his will he bequeaths 1,000 rupees to "his aunt Caroline" and 1,000 rupees to "his cousin Mary," and afterwards bequeaths 2,000 rupees to "his before-mentioned aunt Mary." There is no person to whom the description given in the will can apply, and evidence is not admissible to show who was meant by "his before-mentioned aunt Mary." The bequest is therefore void for uncertainty under the seventy-sixth section.

(*b.*) A bequeaths 1,000 rupees to , leaving a blank for the name of the legatee. Evidence is not admissible to show what name the testator intended to insert.

(*c.*) A bequeaths to B rupees, or "his estate of ." Evidence is not admissible to show what sum or what estate the testator intended to insert.

Meaning of clause to be collected from entire will.

69. The meaning of any clause in a will is to be collected from the entire instrument, and all its parts are to be construed with reference to each other; and for this purpose a codicil is to be considered as part of the will.

Illustrations.

(*a.*) The testator gives to B a specific fund or property at the date of A, and by a subsequent clause gives the whole of his property to A. The effect of the several clauses taken together is to vest the specific fund or property in A for life and after his decease in B; it appearing from the bequest to B that the testator meant to use in a restricted sense the words in which he describes what he gives to A.

(*b.*) Where a testator, having an estate one part of which is called Black Acre, bequeaths the whole of his estate to A, and in another part of his will bequeaths Black Acre to B, the latter bequest is to be read as an exception out of the first, as if he had said, "I give Black Acre to B and all the rest of my estate to A."

When words may be understood in restricted sense, and when in sense wider than usual.

70. General words may be understood in a restricted sense where it may be collected from the will that the testator meant to use them in a restricted sense; and words may be understood in a wider sense than that which they usually bear, where it may be collected from the other words of the will that the testator meant to use them in such wider sense.

Illustrations.

(*a.*) A testator gives to A "his farm in the occupation of B," and to C "all his marsh-lands in L." Part of the farm in the occupation of B consists of marsh-lands in L, and the testator also has other marsh-lands in L. The general words, "all his marsh-lands in L," are restricted by the gift to A. A takes the whole of the farm in the occupation of B, including that portion of the farm which consists of marsh-lands in L.

(*b.*) The testator (a sailor on ship-board) bequeathed to his mother his gold ring, buttons and chest of clothes, and to his friend A (a shipmate) his red box, clasp-knife and all things not before bequeathed. The testator's share in a house does not pass to A under this bequest.

(*c.*) A, by his will, bequeathed to B all his household furniture, plate, linen, china, books, pictures and all other goods of whatever kind; and afterwards bequeathed to B a specified part of his property. Under the first bequest, B is entitled only to such articles of the testator's as are of the same nature with the articles therein enumerated.

Which of two possible constructions preferred.

71. Where a clause is susceptible of two meanings, according to one of which it has some effect, and according to the other it can have none, the former is to be preferred.

No part rejected, if it can be reasonably construed.

72. No part of a will is to be rejected as destitute of meaning if it is possible to put a reasonable construction upon it.

Interpretation of words repeated in different parts of will.

73. If the same words occur in different parts of the same will, they must be taken to have been used everywhere in the same sense, unless there appears an intention to the contrary.

Testator's intention to be effectuated as far as possible.

74. The intention of the testator is not to be set aside because it cannot take effect to the full extent, but effect is to be given to it as far as possible.

* * * * * *

The last of two inconsistent clauses prevails.

75. Where two clauses or gifts in a will are irreconcileable, so that they cannot possibly stand together, the last shall prevail.

Illustrations.

(*a.*) The testator by the first clause of his will leaves his estate of Rámnagar "to A," and by the last clause of his will leaves it "to B and not to A." B shall have it.

(*b.*) If a man at the commencement of his will gives his house to A, and at the close of it directs that his house shall be sold and the proceeds invested for the benefit of B, the latter disposition shall prevail.

Will or bequest void for uncertainty.

76. A will or bequest not expressive of any definite intention is void for uncertainty.

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Illustration.

If a testator says—"I bequeath goods to A"; or "I bequeath to A"; or "I leave to A all the goods mentioned in a schedule," and no schedule is found; or "I bequeath 'money,' 'wheat,' 'oil,'" or the like, without saying how much, this is void.

77. The description contained in a will, of property the subject of gift, shall, unless a contrary intention appear by the will, be deemed to refer to and comprise the property answering that description at the death of the testator.

Words describing subject refer to property answering description at testator's death.

* * * * * *

82. Where property is bequeathed to any person, he is entitled to the whole interest of the testator therein, unless it appears from the will that only a restricted interest was intended for him.

Bequest without words of limitation.

83. Where property is bequeathed to a person with a bequest in the alternative to another person or to a class of persons, if a contrary intention does not appear by the will, the legatee first named shall be entitled to the legacy, if he be alive at the time when it takes effect; but if he be then dead, the person or class of persons named in the second branch of the alternative shall take the legacy.

Bequest in alternative.

Illustrations.

(a.) A bequest is made to A or to B. A survives the testator. B takes nothing.

(b.) A bequest is made to A or to B. A dies after the date of the will, and before the testator. The legacy goes to B.

(c.) A bequest is made to A or to B. A is dead at the date of the will. The legacy goes to B.

(d.) Property is bequeathed to A or his heirs. A survives the testator. A takes the property absolutely.

(e.) Property is bequeathed to A or his nearest of kin. A dies in the lifetime of the testator. Upon the death of the testator, the bequest to A's nearest of kin takes effect.

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84. Where property is bequeathed to a person, and words are added which describe a class of persons, but do not denote them as direct objects or a distinct and independent gift, such person is entitled to the whole interest of the testator therein, unless a contrary intention appears by the will.

Effect of words describing a class added to bequest to a person.

Illustrations.

(a.) A bequest is made—

to A and his children,
to A and his children by his present wife,
to A and his heirs,
to A and the heirs of his body,
to A and the heirs male of his body,
to A and the heirs female of his body,
to A and his issue,
to A and his family,
to A and his descendants,
to A and his representatives,
to A and his personal representatives,
to A, his executors and administators.

In each of these cases, A takes the whole interest which the testator had in the property.

(b.) A bequest is made to A and his brothers. A and his brothers are jointly entitled to the legacy.

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85. Where a bequest is made to a class of persons under a general description only, no one to whom the words of the description are not in their ordinary sense applicable shall take the legacy.

Bequest to class of persons under general description only.

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88. Where a will purports to make two bequests to the same person, and a question arises whether the testator intended to make the second bequest instead of or in addition to the first, if there is nothing in the will to show what he intended, the following rules shall prevail in determining the construction to be put upon the will:—

Rules of construction where will purports to make two bequests to same person.

First.—If the same specific thing is bequeathed twice to the same legatee in the same will, or in the will and again in a codicil, he is entitled to receive that specific thing only.

Second.—Where one and the same will or one and the same codicil purports to make, in two places, a bequest to the same person of the same quantity or amount of anything, he shall be entitled to one such legacy only.

Third.—Where two legacies of unequal amount are given to the same person in the same will, or in the same codicil, the legatee is entitled to both.

Fourth.—Where two legacies, whether equal or unequal in amount, are given to the same legatee, one by a will and the other by a codicil, or each by a different codicil, the legatee is entitled to both legacies.

Explanation.—In the four last rules, the word "will" does not include a codicil.

Illustrations.

(a.) A having ten shares, and no more, in the Bank of Bengal, made his will, which contains near its commencement the words "I bequeath my ten shares in the Bank of Bengal to B." After other bequests, the will concludes with the words "and I bequeath my ten shares in the Bank of Bengal to B." B is entitled simply to receive A's ten shares in the Bank of Bengal.

(b.) A having one diamond-ring, which was given him by B, bequeathed to C the diamond-ring which was given him by B. A afterwards made a codicil to his will, and thereby, after giving other legacies, he bequeathed to C the diamond-ring which was given him by B. C can claim nothing except the diamond-ring which was given to A by B.

(c.) A, by his will, bequeaths to B the sum of 5,000 rupees, and afterwards, in the same will, repeats the bequest in the same words. B is entitled to one legacy of 5,000 rupees only.

(d.) A, by his will, bequeaths to B the sum of 5,000 rupees, and afterwards, by the same will, bequeaths to B the sum of 6,000 rupees. B is entitled to 11,000 rupees.

(e.) A, by his will, bequeaths to B 5,000 rupees, and by a codicil to the will he bequeaths to him 5,000 rupees. B is entitled to receive 10,000 rupees.

(f.) A, by one codicil to his will, bequeaths to B 5,000 rupees, and by another codicil, bequeaths to him 6,000 rupees. B is entitled to receive 11,000 rupees.

(g.) A, by his will, bequeaths "500 rupees to B because she was his nurse," and in another part of the will bequeaths 500 rupees to B "because she went to England with his children." B is entitled to receive 1,000 rupees.

(h.) A, by his will, bequeaths to B the sum of 5,000 rupees and also, in another part of the will, an annuity of 400 rupees. B is entitled to both legacies.

(i.) A, by his will, bequeaths to B the sum of 5,000 rupees and also bequeaths to him the sum of 5,000 rupees if he shall attain the age of 18. B is entitled absolutely to one sum of 5,000 rupees, and take a contingent interest in another sum of 5,000 rupees.

89. A residuary legatee may be constituted by any words that show an intention on the part of the testator that the person designated shall take the surplus or residue of his property.

Constitution of residuary legatee.

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Illustrations.

(a.) A makes her will, consisting of several testamentary papers, in one of which are contained the following words:—"I think there will be something left, after all funeral expenses, &c., to give to B, now at school, towards equipping him to any profession he may hereafter be appointed to." B is constituted residuary legatee.

(b.) A makes his will, with the following passage at the end of it:—"I believe there will be found sufficient in my banker's hands to defray and discharge my debts, which I hereby desire B to do, and keep the residue for her own use and pleasure." B is constituted the residuary legatee.

(c.) A bequeaths all his property to B, except certain stocks and funds, which he bequeaths to C. B is the residuary legatee.

90. Under a residuary bequest, the legatee is entitled to all property belonging to the testator at the time of his death, of which he has not made any other testamentary disposition which is capable of taking effect.

Property to which residuary legatee entitled.

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91. If a legacy be given in general terms, without specifying the time when it is to be paid, the legatee has a vested interest in it from the day of the death of the testator, and, if he dies without having received it, it shall pass to his representatives.

Time of vesting of legacy in general terms.

92. If the legatee does not survive the testator, the legacy cannot take effect, but shall lapse and form part of the residue of the testator's property, unless it appear by the will that the testator intended that it should go to some other person.

In what case legacy lapses.

In order to entitle the representatives of the legatee to receive the legacy, it must be proved that he survived the testator.

Illustrations.

(a.) The testator bequeaths to B "500 rupees which B owes him." B dies before the testator; the legacy lapses.

(b.) A bequest is made to A and his children. A dies before the testator or happens to be dead when the will is made. The legacy to A and his children lapses.

(c.) A legacy is given to A, and in case of his dying before the testator, to B. A dies before the testator. The legacy goes to B.

(d.) A sum of money is bequeathed to A for life, and after his death to B. A dies in the lifetime of the testator. B survives the testator. The bequest to B takes effect.

(e.) A sum of money is bequeathed to A on his completing his eighteenth year, and in case he should die before he completes his eighteenth year, to B. A completes his eighteenth year, and dies in the lifetime of the testator. The legacy to A lapses, and the bequest to B does not take effect.

(f.) The testator and the legatee perished in the same shipwreck. There is no evidence to show which died first. The legacy will laspe.

93. If a legacy be given to two persons jointly, and one of them die before the testator, the other legatee takes the whole.

Legacy does not lapse if one of two joint legatees die before testator.

Illustration.

The legacy is simply to A and B. A dies before the testator. B takes the legacy.

94. But where a legacy is given to legatees in words which show that the testator intended to give them distinct shares of it, then if any legatee die before the testator, so much of the legacy as was intended for him shall fall into the residue of the testator's property.

Effect of words showing testator's intention to give distinct shares.

Illustration.

A sum of money is bequeathed to A, B and C, to be equally divided among them. A dies before the testator. B and C shall only take so much as they would have had if A had survived the testator.

95. Where the share that lapses is a part of the general residue bequeathed by the will, that share shall go as undisposed of.

When lapsed share goes as undisposed of.

Illustration.

The testator bequeaths the residue of his estate to A, B and C, to be equally divided between them. A dies before the testator. His one-third of the residue goes as undisposed of.

96. Where a bequest shall have been made to any *son or other legitimate lineal male descendant* of the testator, and the legatee shall die in the lifetime of the testator, but any *legitimate* lineal *male* descendant of his shall survive the testator, the bequest shall not lapse, but shall take effect as if the death of the legatee had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

When bequest to testator's lineal descendant does not lapse on his death in testator's lifetime.

Illustration.

A makes his will, by which he bequeaths a sum of money to his son B for his own absolute use and benefit. B dies before A, leaving a son C who survives A, and having made his will whereby he bequeaths all his property to his widow D. The money goes to D.

97. Where a bequest is made to one person for the benefit of another, the legacy does not lapse by the death, in the testator's lifetime, of the person to whom the bequest is made.

Bequest to A for benefit of B does not lapse by A's death.

98. Where a bequest is made simply to a described class of persons, the thing bequeathed shall go only to such as shall be alive at the testator's death.

Survivorship in case of bequest to described class.

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Illustrations.

(a.) A bequeaths 1,000 rupees to "the children of B" without saying when it is to be distributed among them. B had died previous to the date of the will, leaving three children, C, D and E. E died after the date of the will, but for the death of A. C and D survive A. The legacy shall belong to C and D, to the exclusion of the representatives of E.

(b.) A bequeaths a legacy to the children of B. At the time of the testator's death, B has no children. The bequest is void.

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PART XII.

OF VOID BEQUESTS.

99. Where a bequest is made to a person by a particular description, and there is no person in existence at the testator's death who answers the description, the bequest is void.

Bequest to person by particular description, who is not in existence at testator's death.

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Illustrations.

(a.) A bequeaths 1,000 rupees to the eldest son of B. At the death of the testator B has no son. The bequest is void.

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The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

101. No bequest is valid whereby the vesting of the thing bequeathed may be delayed beyond the lifetime of one or more persons living at the testator's decease.

Rule against perpetuity.

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102. If a bequest is made to a class of persons, with regard to some of whom it is inoperative by reason of the rules contained in the last preceding section, such bequest shall be wholly void.

Bequest to a class, some of whom may come under rules in section 101.

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103. Where a bequest is void by reason of any of the rules contained in the *two* last preceding sections, any bequest contained in the same will and intended to take effect after or upon failure of such prior bequest is also void.

Bequest to take effect on failure of bequest void under section 101 or 102.

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104. A direction to accumulate the income arising from any property shall be void; and the property shall be disposed of as if no accumulation had been directed.

Effect of direction for accumulation.

Exception.—Where the property is immoveable, or where accumulation is directed to be made from the death of the testator, the direction shall be valid in respect only of the income arising from the property within one year next following the testator's death;

and at the end of the year such property and income shall be disposed of respectively, as if the period during which the accumulation has been directed to be made had elapsed.

Illustrations.

(*a.*) The will directs that the sum of 10,000 rupees shall be invested in Government securities, and the income accumulated for 20 years, and that the principal together with the accumulations, shall then be divided between A, B and C. A, B and C are entitled to receive the sum of 10,000 rupees at the end of the year from the testator's death.

(*b.*) The will directs that 10,000 rupees shall be invested and the income accumulated until A shall marry, and shall then be paid to him. A is entitled to receive 10,000 rupees at the end of a year from the testator's death.

(*c.*) The will directs that the rents of the farm of Sultánpur shall be accumulated for ten years, and that the accumulation shall be then paid to the eldest son of A. At the death of the testator, A has an eldest son living, named B. B shall receive at the end of one year from the testator's death the rents which have accrued during the year, together with any interest which may have been made by investing them.

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(*e.*) A bequeaths a sum of money to B, to be paid to him when he shall attain the age of 18, and directs the interest to be accumulated till he shall arrive at that age. At A's death the legacy becomes vested in B; and so much of the interest as is not required for his maintenance and education is accumulated, not by reason of the direction contained in the will, but in consequence of B's minority.

PART XIII.

OF THE VESTING OF LEGACIES.

106. Where by the terms of a bequest the legatee is not entitled to immediate possession of the thing bequeathed, a right to receive it at the proper time shall, unless a contrary intention appears by the will, become vested in the legatee on the testator's death, and shall pass to the legatee's representatives if he dies before that time and without having received the legacy.

Date of vesting of legacy when payment or possession postponed.

And in such cases the legacy is from the testator's death said to be vested in interest.

Explanation.—An intention that a legacy to any person shall not become vested in interest in him is not to be inferred merely from a provision whereby the payment or possession of the thing bequeathed is postponed, or whereby a prior interest therein is bequeathed to some other person, or whereby the income arising from the fund bequeathed is directed to be accumulated until the time of payment arrives, or from a provision that, if a particular event shall happen, the legacy shall go over to another person.

Illustrations.

(*a.*) A bequeaths to B 100 rupees, to be paid to him at the death of C. On A's death the legacy becomes vested in interest in B, and if he dies before C, his representatives are entitled to the legacy.

(*b.*) A bequeaths to B 100 rupees, to be paid to him upon his attaining the age of 18. On A's death the legacy becomes vested in interest in B.

(*c.*) A fund is bequeathed to A for life, and after his death to B. On the testator's death the legacy to B becomes vested in interest in B.

(*d.*) A fund is bequeathed to A until B attains the age of 18, and then to B. The legacy to B is vested in interest from the testator's death.

(*e.*) A bequeaths the whole of his property to B upon trust to pay certain debts out of the income, and then to make over the fund to C. At A's death the gift to C becomes vested in interest in him.

(*f.*) A fund is bequeathed to A, B and C in equal shares, to be paid to them on their attaining the age of 18 respectively, with a proviso that, if all of them die under the age of 18, the legacy shall devolve upon D. On the death of the testator, the shares vest in interest in A, B and C, subject to be devested in case A, B and C shall all die under 18, and upon the death of any of them (except the last survivor) under the age of 18, his vested interest passes, so subject, to his representatives.

107. A legacy bequeathed in case a specified uncertain event shall happen does not vest until that event happens.

Date of vesting when legacy contingent upon specified uncertain event.

A legacy bequeathed in case a specified uncertain event shall not happen does not vest until the happening of that event becomes impossible.

In either case, until the condition has been fulfilled, the interest of the legatee is called contingent.

Exception.—Where a fund is bequeathed to any person upon his attaining a particular age, and the will also gives to him absolutely the income to arise from the fund before he reaches that age, or directs the income, or so much of it as may be necessary, to be applied for his benefit, the bequest of the fund is not contingent.

Illustrations.

(*a.*) A legacy is bequeathed to D in case A, B and C shall all die under the age of 18. D has a contingent interest in the legacy until A, B and C all die under 18, or one of them attains that age.

(*b.*) A sum of money is bequeathed to A "in case he shall attain the age of 18," or, "when he shall attain the age of 18." A's interest in the legacy is contingent until the condition shall be fulfilled by his attaining that age.

(*c.*) An estate is bequeathed to A for life, and after his death to B, if B shall then be living; but if B shall not be then living, to C. A, B and C survive the testator. B and C each take a contingent interest in the estate until the event which is to vest it in one or in the other shall have happened.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

(*d.*) An estate is bequeathed as in the case last supposed. B dies in the lifetime of A and C. Upon the death of B, C acquires a vested right to obtain possession of the estate upon A's death.

(*e.*) A legacy is bequeathed to A when she shall attain the age of 18, or shall marry under that age with the consent of B, with a proviso that, if she shall not attain 18, or marry under that age with B's consent, the legacy shall go to C. A and C each take a contingent interest in the legacy. A attains the age of 18. A becomes absolutely entitled to the legacy, although she may have married under 18 without the consent of B.

(*f.*) An estate is bequeathed to A until he shall marry, and after that event to B. B's interest in the bequest is contingent until the condition shall be fulfiled by A's marrying.

(*g.*) An estate is bequeathed to A until he shall take advantage of the Act for the Relief of Insolvent Debtors, and after that event to B. B's interest in the bequest is contingent until A takes advantage of the Act.

(*h.*) An estate is bequeathed to A if he shall pay 500 rupees to B. A's interest in the bequest is contingent until he has paid 500 rupees to B.

(*i.*) A leaves his farm of Sultánpur Khurd to B, if B shall convey his own farm of Sultánpur Buzurg to C. B's interest in the bequest is contingent until he has conveyed the latter farm to C.

(*j.*) A fund is bequeathed to A if B shall not marry C within five years after the testator's death. A's interest in the legacy is contingent, until the condition shall be fulfilled by the expiration of the five years without B's having married C, or by the occurrence, within that period, of an event which makes the fulfilment of the condition impossible.

(*k.*) A fund is bequeathed to A if B shall not make any provision for him by will. The legacy is contingent until B's death.

(*l.*) A bequeaths to B 500 rupees a year upon his attaining the age of 18, and directs that the interest, or a competent part thereof, shall be applied for his benefit until he reaches that age. The legacy is vested.

(*m.*) A bequeaths to B 500 rupees when he shall attain the age of 18, and directs that a certain sum, out of another fund, shall be applied for his maintenance until he arrives at that age. The legacy is contingent.

108. Where a bequest is made only to such members of a class as shall have attained a particular age, a person who has not attained that age cannot have a vested interest in the legacy.

Vesting of interest in bequest to such members of a class as shall have attained particular age.

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PART XIV.

OF ONEROUS BEQUESTS.

109. Where a bequest imposes an obligation on the legatee, he can take nothing by it unless he accepts it fully.

Onerous bequest.

Illustration.

A having shares in (X), a prosperous joint stock company, and also shares in (Y), a joint stock company in difficulties, in respect of which, shares heavy calls are expected to be made, bequeaths to B all his shares in joint stock companies. B refuses to accept the shares in (Y). He forfeits the shares in (X).

110. Where a will contains two separate and independent bequests to the same person, the legatee is at liberty to accept one of them and refuse the other, although the former may be beneficial and the latter onerous.

One of two separate and independent bequests to same person may be accepted, and other refused.

Illustration.

A having a lease for a term of years of a house at a rent which he and his representatives are bound to pay during the term, and which is higher than the house can be let for, bequeaths to B the lease and a sum of money. B refuses to accept the lease. He shall not by this refusal forfeit the money.

PART XV.

OF CONTINGENT BEQUESTS.

111. Where a legacy is given if a specified uncertain event shall happen, and no time is mentioned in the will for the occurrence of that event, the legacy cannot take effect unless such event happens before the period when the fund bequeathed is payable or distributable.

Bequest contingent upon specified uncertain event, no time being mentioned for its occurrence.

Illustrations.

(*a.*) A legacy is bequeathed to A, and in case of his death, to B. If A survives the testator, the legacy to B does not take effect.

(*b.*) A legacy is bequeathed to A, and in case of his death without children, to B. If A survives the testator or dies in his lifetime leaving a child, the legacy to B does not take effect.

(*c.*) A legacy is bequeathed to A when and if he attains the age of 18, and in case of his death, to B. A attains the age of 18. The legacy to B does not take effect.

(*d.*) A legacy is bequeathed to A for life and after his death to B, and, "in case of B's death without children," to C. The words "in case of B's death without children" are to be understood as meaning in case B shall die without children during the lifetime of A.

(*e.*) A legacy is bequeathed to A for life, and after his death to B, and, "in case of B's death," to C. The words "in case of B's death" are to be considered as meaning "in case B shall die in the lifetime of A."

112. Where a bequest is made to such of certain persons as shall be surviving at some period but the exact period is not specified, the legacy shall go to such of them as shall be alive at the time of payment or distribution, unless a contrary intention appear by the will.

Bequest to such of certain persons as shall be surviving at some period not specified.

Illustrations.

(*a.*) Property is bequeathed to A and B, to be equally divided between them, or to the survivor of them. If both A and B survive the testator, the legacy is equally divided between them. If A dies before the testator, and B survives the testator, it goes to B.

(*b.*) Property is bequeathed to A for life, and after his death to B and C, to be equally divided between them, or to the survivor of them. B dies during the life of A; C survives A. At A's death the legacy goes to C.

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(*d.*) Property is bequeathed to A for life, and after his death to B and C, with a direction that, in case either of them dies in the lifetime of A, the whole shall go to the survivor. B dies in the lifetime of A. Afterwards C dies in the lifetime of A. The legacy goes to the representative of C.

PART XVI.

OF CONDITIONAL BEQUESTS.

113. A bequest upon an impossible condition is void.

Bequest upon impossible condition.

Illustrations.

(*a.*) An estate is bequeathed to A on condition that he shall walk one hundred miles in an hour. The bequest is void.

(*b.*) A bequeaths 500 rupees to B on condition that he shall marry A's daughter. A's daughter was dead at the date of the will. The bequest is void.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

114. A bequest upon a condition the fulfilment of which would be contrary to law or to morality is void.

Bequest upon illegal or immoral condition.

Illustrations.

(*a.*) A bequeaths 500 rupees to B on condition that he shall murder C. The bequest is void.

(*b.*) A bequeaths 5,000 rupees to his niece if she will desert her husband. The bequest is void.

115. Where a will imposes a condition to be fulfilled before the legatee can take a vested interest in the thing bequeathed, the condition shall be considered to have been fulfilled if it has been substantially complied with.

Fulfilment of condition precedent to vesting of legacy.

Illustrations.

(*a.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C, D and E. A marries with the written consent of B. C is present at the marriage. D sends a present to A previous to the marriage. E has been personally informed by A of his intentions, and has made no objection. A has fulfilled the condition.

(*b.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. D dies. A marries with the consent of B and C. A has fulfilled the condition.

(*c.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A marries in the lifetime of B, C and D, with the consent of B and C only. A has not fulfilled the condition.

(*d.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A obtains the unconditional assent of B, C and D to his marriage with E. Afterwards B, C and D capriciously retract their consent. A marries E. A has fulfilled the condition.

(*e.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A marries without the consent of B, C and D, but obtains their consent after the marriage. A has not fulfilled the condition.

(*f.*) A makes his will, whereby he bequeaths a sum of money to B if B shall marry with the consent of A's executors. B marries during the lifetime of A, and A afterwards expresses his approbation of the marriage. A dies. The bequest to B takes effect.

(*g.*) A legacy is bequeathed to A if he executes a certain document within a time specified in the will. The document is executed by A within a reasonable time, but not within the time specified in the will. A has not performed the condition, and is not entitled to receive the legacy.

116. Where there is a bequest to one person and a bequest of the same thing to another, if the prior bequest shall fail, the second bequest shall take effect upon the failure of the prior bequest, although the failure may not have occurred in the manner contemplated by the testator.

Bequest to A and on failure of prior bequest, to B.

Illustrations.

(*a.*) A bequeaths a sum of money to his own children surviving him, and if they all die under 18, to B. A dies without having ever had a child. The bequest to B takes effect.

(*b.*) A bequeaths a sum of money to B, on condition that he shall execute a certain document within three months after A's death, and if he should neglect to do so, to C. B dies in the testator's lifetime. The bequest to C takes effect.

117. Where the will shows an intention that the second bequest shall take effect only in the event of the first bequest failing in a particular manner, the second bequest shall not take effect unless the prior bequest fails in that particular manner.

When second bequest not to take effect on failure of first.

Illustration.

A makes a bequest to his wife, but in case she should die in his lifetime, bequeaths to B that which he had bequeathed to her. A and his wife perish together, under circumstances which make it impossible to prove that she died before him. The bequest to B does not take effect.

118. A bequest may be made to any person with the condition superadded that in case a specified uncertain event shall happen, the thing bequeathed shall go to another person; or, that in case a specified uncertain event shall not happen, the thing bequeathed shall go over to another person.

Bequest over, conditional upon happening or not happening of specified uncertain event.

In each case the ulterior bequest is subject to the rules contained in sections 107, 108, 109, 110, 111, 112, 113, 114, 116, 117.

Illustrations.

(*a.*) A sum of money is bequeathed to A, to be paid to him at the age of 18, and if he shall die before he attains that age, to B. A takes a vested interest in the legacy, subject to be devested and to go to B in case A shall die under 18.

(*b.*) An estate is bequeathed to A with a proviso that, if A shall dispute the competency of the testator to make a will, the estate shall go to B. A disputes the competency of the testator to make a will. The estate goes to B.

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(*d.*) A sum of money is bequeathed to A and B, and if either should die during the life of C, then to the survivor living at the death of C. A and B die before C. The gift over cannot take effect, but the representative of A takes one-half of the money and the representative of B takes the other half.

(*e.*) A bequeaths to B the interest of a fund for life, and directs the fund to be divided, at her death, equally among her three children, or such of them as shall be living at her death. All the children of B die in B's lifetime. The bequest over cannot take effect, but the interests of the children pass to their representatives.

119. An ulterior bequest of the kind contemplated by the last preceding section cannot take effect unless the condition is strictly fulfilled.

Condition must be strictly fulfilled.

Illustrations.

(*a.*) A legacy is bequeathed to A, with a proviso that, if he marries without the consent of B, C and D, the legacy shall go to E. D dies. Even if A marries without the consent of B and C, the gift to E does not take effect.

(*b.*) A legacy is bequeathed to A, with a proviso that, if he marries without the consent of B, the legacy shall go to C. A marries with the consent of B. He afterwards becomes a widower and marries again without the consent of B. The bequest to C does not take effect.

(*c.*) A legacy is bequeathed to A, to be paid at 18, or marriage, with a proviso that, if A dies under 18, or marries without the consent of B, the legacy shall go to C. A marries under 18, without the consent of B. The bequest to C takes effect.

120. If the ulterior bequest be not valid, the original bequest is not affected by it.

Original bequest not affected by invalidity of second.

Illustrations.

(*a.*) An estate is bequeathed to A for his life, with a condition superadded that if he shall not on a given day walk 100 miles in an hour, the estate shall go to B. The condition being void, A retains his estate as if no condition had been inserted in the will.

(*b.*) An estate is bequeathed to A for her life, and if she do not desert her husband, to B. A is entitled to the estate during her life as if no condition had been inserted in the will.

(*c.*) An estate is bequeathed to A for life, and, if he marries, to the eldest son of B for life. B, at the date of the testator's death, had not had a son. The bequest over is void under section 92, and A is entitled to the estate during his life.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

121. A bequest may be made with the condition superadded that it shall cease to have effect in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Bequest conditioned that it shall cease to have effect in case specified uncertain event shall happen or not happen.

Illustrations.

(*a.*) An estate is bequeathed to A for his life, with a proviso that, in case he shall cut down a certain wood, the bequest shall cease to have any effect. A cuts down the wood; he loses his life-interest in the estate.

(*b.*) An estate is bequeathed to A, provided that, if he marries under the age of 25 without the consent of the executors named in the will, the estate shall cease to belong to him. A marries under 25 without the consent of the executors. The estate ceases to belong to him.

(*c.*) An estate is bequeathed to A, provided that, if he shall not go to England within three years after the testator's death, his interest in the estate shall cease. A does not go to England within the time prescribed. His interest in the estate ceases.

(*d.*) An estate is bequeathed to A, with a proviso that, if she becomes a nun, she shall cease to have any interest in the estate. A becomes a nun. She loses her interest under the will.

(*e.*) A fund is bequeathed to A for life, and after his death to B, if B shall be then living, with a proviso that, if B shall become a nun, the bequest to her shall cease to have any effect. B becomes a nun in the lifetime of A. She thereby loses her contingent interest in the fund.

122. In order that a condition that a bequest shall cease to have effect may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of a bequest as contemplated by the one hundred and seventh section.

Such condition must not be invalid under section 107.

123. Where a bequest is made with a condition superadded that, unless the legatee shall perform a certain act, the subject-matter of the bequest shall go to another person, or the bequest shall cease to have effect, but no time is specified for the performance of the act, if the legatee takes any step which renders impossible or indefinitely postpones the performance of the act required, the legacy shall go as if the legatee had died without performing such act.

Result of legatee rendering impossible or indefinitely postponing act for which no time specified and on non-performance of which subject-matter to go over.

Illustrations.

(*a.*) A bequest is made to A with a proviso that, unless he enters the army, the legacy shall go over to B. A takes holy orders, and thereby renders it impossible that he should fulfil the condition. B is entitled to receive the legacy.

(*b.*) A bequest is made to A with a proviso that it shall cease to have any effect if he does not marry B's daughter. A marries a stranger, and thereby indefinitely postpones the fulfilment of the condition. The bequest ceases to have effect.

124. Where the will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed or as a condition upon the non-fulfilment of which the subject-matter of the bequest is to go over to another person, or the bequest is to cease to have effect, the act must be performed within the time specified, unless the performance of it be prevented by fraud, in which case such further time shall be allowed as shall be requisite to make up for the delay caused by such fraud.

Performance of condition, precedent or subsequent, within specified time.

Further time in case of fraud.

PART XVII.

Of Bequests with directions as to application or enjoyment.

125. Where a fund is bequeathed absolutely to or for the benefit of any person, but the will contains a direction that it shall be applied or enjoyed in a particular manner, the legatee shall be entitled to receive the fund as if the will had contained no such direction.

Direction that funds be employed in particular manner following absolute bequest of same to or for benefit of any person.

Illustration.

A sum of money is bequeathed towards purchasing a country-residence for A, or to purchase an annuity for A, or to purchase a commission in the army for A, or to place A in any business. A chooses to receive the legacy in money. He is entitled to do so.

126. Where a testator absolutely bequeaths a fund, so as to sever it from his own estate, but directs that the mode of enjoyment of it by the legatee shall be restricted so as to secure a specified benefit for the legatee; if that benefit cannot be obtained for the legatee, the fund belongs to him as if the will had contained no such direction.

Direction that mode of enjoyment of absolute bequest is to be restricted, to secure specified benefit for legatee.

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127. Where a testator does not absolutely bequeath a fund so as to sever it from his own estate, but gives it for certain purposes and part of those purposes cannot be fulfilled, the fund, or so much of it as has not been exhausted upon the objects contemplated by the will, remains a part of the estate of the testator.

Bequest of fund for certain purposes, some of which cannot be fulfilled.

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PART XVIII.

Of Bequests to an Executor.

128. If a legacy is bequeathed to a person who is named an executor of the will, he shall not take the legacy unless he proves the will or otherwise manifests an intention to act as executor.

Legatee named as executor cannot take unless he shews intention to act as executor.

Illustration.

A legacy is given to A, who is named an executor. A orders the funeral according to the directions contained in the will, and dies a few days after the testator, without having proved the will. A has manifested an intention to act as executor.

PART XIX.

Of Specific Legacies.

129. Where a testator bequeaths to any person a specified part of his property, which is distinguished from all other parts of his property, the legacy is said to be specific.

Specific legacy defined.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

Illustrations.

(*a.*) A bequeaths to B—

"the diamond-ring presented to him by C:"

"his gold chain:"

"a certain bale of wool:"

"a certain piece of cloth:"

"all his household-goods, which shall be in or about his dwelling-house in M Street, in Calcutta, at the time of his death:"

"the sum of 1,000 rupees in a certain chest:"

"the debt which B owes him:"

"all his bills, bonds and securities belonging to him lying in his lodgings in Calcutta:"

"all his furniture in his house in Calcutta:"

"all his goods on board a certain ship then lying in the river Hughly:"

"2,000 rupees which he has in the hands of C:"

"the money due to him on the bond of D:"

"his mortgage on the Rámpur factory:"

"one-half of the money owing to him on his mortgage of Rámpur factory:"

"1,000 rupees being part of a debt due to him from C:"

"his capital stock of 1,000 *l.* in East India stock:"

"his promissory notes of the Government of India for 10,000 rupees in their 4 per cent. loan:"

"all such sums of money as his executors may, after his death, receive in respect of the debt due to him from the insolvent firm of D and Company:"

"all the wine which he may have in his cellar at the time of his death:"

"such of his horses as B may select:"

"all his shares in the Bank of Bengal:"

"all the shares in the Bank of Bengal which he may possess at the time of his death:"

"all the money which he has in the 5½ per cent. loan of the Government of India:"

"all the Government-securities he shall be entitled to at the time of his decease."

Each of these legacies is specific.

(*b.*) A having Government promissory notes for 10,000 rupees, bequeaths to his executors "Government promissory notes for 10,000 rupees in trust to sell" for the benefit of B.

The legacy is specific.

(*c.*) A having property at Benares, and also in other places, bequeaths to B all his property at Benares.

The legacy is specific.

(*d.*) A bequeaths to B—

his house in Calcutta:

his zamíndárí of Rámpur:

his taluq of Rámnagar:

his lease of the indigo-factory of Salkya:

an annuity of 500 rupees out of the rents of his zamíndárí of W.

A directs his zamíndárí of X to be sold, and the proceeds to be invested for the benefit of B.

Each of these bequests is specific.

(*e.*) A by his will charges his zamíndárí of Y with an annuity of 1,000 rupees to C during his life, and subject to this charge he bequeaths the zamíndárí to D. Each of these bequests is specific.

(*f.*) A bequeaths a sum of money—

to buy a house in Calcutta for B:

to buy an estate in zila Faridpur for B:

to buy a diamond-ring for B:

to buy a horse for B:

to be invested in shares in the Bank of Bengal for B:

to be invested in Government-securities for B.

A bequeaths to B—

"a diamond-ring:"

"a horse:"

"10,000 rupees worth of Government securities:"

"an annuity of 500 rupees:"

"2,000 rupees, to be paid in cash:"

"so much money as will produce 5,000 rupees 4 per cent. Government-securities."

These bequests are not specific.

(*g.*) A, having property in England and property in India, bequeaths a legacy to B, and directs that it shall be paid out of the property which he may leave in India. He also bequeaths a legacy to C, and directs that it shall be paid out of the property which he may leave in England.

No one of these legacies is specific.

130. Where a sum certain is bequeathed, the legacy is not specific merely because the stocks, funds or securities in which it is invested are described in the will.

Bequest of sum certain where stocks, &c., in which invested are described.

Illustration.

A bequeaths to B—

"10,000 rupees of his funded property:"

"10,000 rupees of his property now invested in shares of the East Indian Railway Company:"

"10,000 rupees at present secured by mortgage of Rámpur factory."

No one of these legacies is specific.

131. Where a bequest is made in general terms of a certain amount of any kind of stock, the legacy is not specific merely because the testator was, at the date of his will, possessed of stock of the specified kind, to an equal or greater amount than the amount bequeathed.

Bequest of stock where testator had, at date of will, equal or greater amount of stock of same kind.

Illustration.

A bequeaths to B 5,000 rupees 5 per cent. Government securities. A had at the date of the will five per cent. Government securities for 5,000 rupees.

The legacy is not specific.

132. A money-legacy is not specific merely because the will directs its payment to be postponed until some part of the property of the testator shall have been reduced to a certain form, or remitted to a certain place.

Bequest of money where not payable until part of testator's property disposed of in certain way.

Illustrations.

A bequeaths to B 10,000 rupees, and directs that this legacy shall be paid as soon as A's property in India shall be realized in England.

The legacy is not specific.

133. Where a will contains a bequest of the residue of the testator's property along with an enumeration of some items of property not previously bequeathed, the articles enumerated shall not be deemed to be specifically bequeathed.

When enumerated articles not deemed specifically bequeathed.

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136. If there be a deficiency of assets to pay legacies, a specific legacy is not liable to abate with the general legacies.

Where deficiency of assets to pay legacies, specific legacy not to abate with general legacies.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

PART XX.

Of Demonstrative Legacies.

137. Where a testator bequeaths a certain sum of money, or a certain quantity of any other commodity, and refers to a particular fund or stock so as to constitute the same the primary fund or stock out of which payment is to be made, the legacy is said to be demonstrative.

Demonstrative legacy defined.

Explanation.—The distinction between a specific legacy and a demonstrative legacy consists in this, that—

where specified property is given to the legatee, the legacy is specific;

where the legacy is directed to be paid out of specified property, it is demonstrative.

Illustrations.

(*a.*) A bequeaths to B 1,000 rupees, being part of a debt due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. The legacy to B is specific; the legacy to C is demonstrative.

(*b.*) A bequeaths to B—

"ten bushels of the corn which shall grow in his field of Greenacre:"

"80 chests of the indigo which shall be made at his factory of Rámpur:"

"10,000 rupees out of his five per cent. promissory notes of the Government of India:"

an annuity of 500 rupees "from his funded property:"

"1,000 rupees out of the sum of 2,000 rupees due to him by C."

A bequeaths to B an annuity, and directs it to be paid out of the rents arising from his taluq of Rámnagar.

A bequeaths to B—

"10,000 rupees out of his estate at Rámnagar," or charges it on his estate at Rámnagar:

"10,000 rupees, being his share of the capital embarked in a certain business."

Each of these bequests is demonstrative.

138. Where a portion of a fund is specifically bequeathed and a legacy is directed to be paid out of the same fund, the portion specifically bequeathed shall first be paid to the legatee, and the demonstrative legacy shall be paid out of the residue of the fund, and, so far as the residue shall be deficient, out of the general assets of the testator.

Order of payment when legacy directed to be paid out of fund the subject of specific legacy.

Illustration.

A bequeaths to B 1,000 rupees, being part of a debt due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. The debt due to A from W is only 1,500 rupees; of these 1,500 rupees, 1,000 rupees belong to B, and 500 rupees are to be paid to C. C is also to receive 500 rupees out of the general assets of the testator.

PART XXI.

Of Ademption of Legacies.

139. If anything which has been specifically bequeathed does not belong to the testator at the time of his death, or has been converted into property of a different kind, the legacy is adeemed; that is, it cannot take effect by reason of the subject-matter having been withdrawn from the operation of the will.

Ademption explained.

Illustrations.

(*a.*) A bequeaths to B—

"the diamond-ring presented to him by C:"

"his gold chain:"

"a certain bale of wool:"

"a certain piece of cloth:"

"all his household-goods which shall be in or about his dwelling-house in M Street, in Calcutta, at the time of his death."

A, in his lifetime,

sells or gives away the ring;
converts the chain into a cup:
converts the wool into cloth:
makes the cloth into a garment:

takes another house into which he removes all his goods

Each of these legacies is adeemed.

(*b.*) A bequeaths to B—

"the sum of 1,000 rupees in a certain chest:"

"all the horses in his stable."

At the death of A, no money is found in the chest, and no horses in the stable.

The legacies are adeemed.

(*c.*) A bequeaths to B certain bales of goods. A takes the goods with him on a voyage. The ship and goods are lost at sea, and A is drowned.

The legacy is adeemed.

140. A demonstrative legacy is not adeemed by reason that the property on which it is charged by the will does not exist at the time of the death of the testator, or has been converted into property of a different kind; but it shall in such case be paid out of the general assets of the testator.

Non-ademption of demonstrative legacy.

141. Where the thing specifically bequeathed is the right to receive something of value from a third party, and the testator himself receives it, the bequest is adeemed.

Ademption of specific bequest of right to receive something from third party.

Illustrations.

(*a.*) A bequeaths to B—

"the debt which C owes him:"

"2,000 rupees which he has in the hands of D:"

"the money due to him on the bond of E:"

"his mortgage on the Rámpur factory."

All these debts are extinguished in A's lifetime, some with and some without his consent.

All the legacies are adeemed.

(*b.*) A bequeaths to B—

"his interest in certain policies of life-assurance."

A in his lifetime receives the amount of the policies. The legacy is adeemed.

142. The receipt by the testator of a part of an entire thing specifically bequeathed shall operate as an ademption of the legacy to the extent of the sum received.

Ademption *pro tanto* by testator's receipt of part of entire thing specifically bequeathed.

Illustration.

A bequeaths to B "the debt due to him by C." The debt amounts to 10,000 rupees. C pays to A 5,000 rupees, the one-half of the debt. The legacy is revoked by ademption, so far as regards the 5,000 rupees received by A.

143. If a portion of an entire fund or stock be specifically bequeathed, the receipt by the testator of a portion of the fund or stock shall operate as an ademption only to the ex-

Ademption *pro tanto* by testator's receipt of portion of entire fund of which portion has been specifically bequeathed.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

tent of the amount so received; and the residue of the fund or stock shall be applicable to the discharge of the specific legacy.

Illustration.

A bequeaths to B one-half of the sum of 10,000 rupees due to him from W. A in his lifetime receives 6,000 rupees, part of the 10,000 rupees. The 4,000 rupees which are due from W to A at the time of his death belong to B under the specific bequest.

Order of payment where portion of fund specifically bequeathed to one legatee, and legacy charged on same fund to another, and testator having received portion of that fund, remainder insufficient to pay both legacies.

144. Where a portion of a fund is specifically bequeathed to one legatee, and a legacy charged on the same fund is bequeathed to another legatee, if the testator receives a portion of that fund, and the remainder of the fund is insufficient to pay both the specific and the demonstrative legacy, the specific legacy shall be paid first, and the residue (if any) of the fund shall be applied so far as it will extend in payment of the demonstrative legacy, and the rest of the demonstrative legacy shall be paid out of the general assets of the testator.

Illustration.

A bequeaths to B 1,000 rupees, part of the debt of 2,000 rupees due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. A afterwards receives 500 rupees, part of that debt, and dies leaving only 1,500 rupees due to him from W. Of these 1,500 rupees, 1,000 rupees belong to B, and 500 rupees are to be paid to C. C is also to receive 500 rupees out of the general assets of the testator.

Ademption where stock, specifically bequeathed, does not exist at testator's death.

145. Where stock which has been specifically bequeathed does not exist at the testator's death, the legacy is adeemed.

Illustration.

A bequeaths to B—

"his capital stock of 1,000*l.* in East India Stock:"

"his promissory notes of the Government of India for 10,000 rupees in their 4 per cent. loan."

A sells the stock and the notes.

The legacies are adeemed.

Ademption *pro tanto* where stock, specifically bequeathed, exists in part only at testator's death.

146. Where stock which has been specifically bequeathed does only in part exist at the testator's death, the legacy is adeemed so far as regards that part of the stock which has ceased to exist.

Illustration.

A bequeaths to B—

"his 10,000 rupees in the 5½ per cent. loan of the Government of India."

A sells one-half of his 10,000 rupees in the loan in question.

One-half of the legacy is adeemed.

Non-ademption of specific bequest of goods described as connected with certain place, by reason of removal.

147. A specific bequest of goods under a description connecting them with a certain place is not adeemed by reason that they have been removed from such place from any temporary cause, or by fraud or without the knowledge or sanction of the testator.

Illustrations.

A bequeaths to B "all his household goods which shall be in or about his dwelling-house in Calcutta at the time of his death." The goods are removed from the house to save them from fire. A dies before they are brought back.

A bequeaths to B "all his household goods which shall be in or about his dwelling-house in Calcutta at the time of his death." During A's absence upon a journey, the whole of the goods are removed from the house. A dies without having sanctioned their removal.

Neither of these legacies is adeemed.

When removal of thing bequeathed does not constitute ademption.

148. The removal of the thing bequeathed from the place in which it is stated in the will to be situated does not constitute an ademption where the place is only referred to in order to complete the description of what the testator meant to bequeath.

Illustrations.

A bequeaths to B all the bills, bonds and other securities for money belonging to him then lying in his lodgings in Calcutta. At the time of his death these effects had been removed from his lodgings in Calcutta.

A bequeaths to B all his furniture then in his house in Calcutta. The testator has a house at Calcutta and another at Chinsurah, in which he lives alternately, being possessed of one set of furniture only, which he removes with himself to each house. At the time of his death the furniture is in the house at Chinsurah.

A bequeaths to B all his goods on board a certain ship then lying in the river Hugli. The goods are removed by A's directions to a warehouse, in which they remain at the time of A's death.

No one of these legacies is revoked by ademption.

When thing bequeathed is a valuable to be received by testator from third person, and testator himself, or his representative, receives it.

149. Where the thing bequeathed is not the right to receive something of value from a third person, but the money or other commodity which shall be received from the third person by the testator himself or by his representatives, the receipt of such sum of money or other commodity by the testator shall not constitute an ademption;

but if he mixes it up with the general mass of his property, the legacy is adeemed.

Illustration.

A bequeaths to B whatever sum may be received from his claim on C. A receives the whole of his claim on C and sets it apart from the general mass of his property. The legacy is not adeemed.

Change by operation of law of subject of specific bequest between date of will and testator's death.

150. Where a thing specifically bequeathed undergoes a change between the date of the will and the testator's death, and the change takes place by operation of law or in the course of execution of the provisions of any legal instrument under which the thing bequeathed was held, the legacy is not adeemed by reason of such change.

Illustrations.

A bequeaths to B "all the money which he has in the 5½ per cent. loan of the Government of India."

The securities for the 5½ per cent. loan are converted during A's lifetime into 5 per cent. stock.

A's bequeaths to B the sum of 2,000*l.*, invested in consols in the names of trustees for A.

The sum of 2,000*l.* is transferred by the trustees into A's own name.

A bequeaths to B the sum of 10,000 rupees in promissory notes of the Government of India which he has power under his marriage-settlement to dispose of by will. Afterwards in A's lifetime, the fund is converted into consols by virtue of an authority contained in the settlement.

No one of these legacies has been adeemed.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

Change of subject without testator's knowledge.

151. Where a thing specifically bequeathed undergoes a change between the date of the will and the testator's death, and the change takes place without the knowledge or sanction of the testator, the legacy is not adeemed.

Illustration.

A bequeaths to B "all his 3 per cent. consols." The consols are, without A's knowledge, sold by his agent, and the proceeds converted into East India stock. This legacy is not adeemed.

Stock specifically bequeathed, lent to third party on condition that it be replaced.

152. Where stock which has been specifically bequeathed is lent to a third party on condition that it shall be replaced, and it is replaced accordingly, the legacy is not adeemed.

Stock specifically bequeathed, sold but replaced and belonging to testator at his death.

153. Where stock specifically bequeathed is sold, and an equal quantity of the same stock is afterwards purchased and belongs to the testator at his death, the legacy is not adeemed.

PART XXII.

Of the Payment of Liabilities in respect of the subject of a Bequest.

Non-liability of executor to exonerate specific legatees.

154. Where property specifically bequeathed is subject at the death of the testator to any pledge, lien or incumbrance, created by the testator himself or by any person under whom he claims, then, unless a contrary intention appears by the will, the legatee, if he accepts the bequest, shall accept it subject to such pledge or incumbrance, and shall (as between himself and the testator's estate) be liable to make good the amount of such pledge or incumbrance.

A contrary intention shall not be inferred from any direction which the will may contain for the payment of the testator's debts generally.

Explanation.—A periodical payment in the nature of land-revenue or in the nature of rent is not such an incumbrance as is contemplated by this section.

Illustrations.

(*a.*) A bequeaths to B the diamond-ring given him by C. At A's death the ring is held in pawn by D, to whom it has been pledged by A. It is the duty of A's executors, if the state of the testator's assets will allow them, to allow B to redeem the ring.

(*b.*) A bequeaths to B a zamíndárí which at A's death is subject to a mortgage for 10,000 rupees, and the whole of the principal sum, together with interest to the amount of 1,000 rupees, is due at A's death. B, if he accepts the bequest, accepts it subject to this charge, and is liable, as between himself and A's estate, to pay the sum of 11,000 rupees thus due.

Completion of testator's title to things bequeathed to be at cost of his estate.

155. Where anything is to be done to complete the testator's title to the thing bequeathed, it is to be done at the cost of the testator's estate.

Illustrations.

(*a.*) A, having contracted in general terms for the purchase of a piece of land at a certain price, bequeaths it to B, and dies before he has paid the purchase-money. The purchase-money must be made good out of A's assets.

(*b.*) A having contracted for the purchase of a piece of land for a certain sum of money, one-half of which is to be paid down, and the other half secured by mortgage of the land, bequeaths it to B, and dies before he has paid or secured any part of the purchase-money. One-half of the purchase-money must be paid out of A's assets.

Exoneration of legatee's immoveable property for which land-revenue or rent payable periodically.

156. Where there is a bequest of any interest in immoveable property, in respect of which payment in the nature of land-revenue or in the nature of rent has to be made periodically, the estate of the testator shall (as between such estate and the legatee) make good such payments or a proportion of them up to the day of his death.

Illustration.

A bequeaths to B a house, in respect of which 365 rupees are payable annually by way of rent. A pays his rent at the usual time, and dies 25 days after. A's estate shall make good 25 rupees in respect of the rent.

Exoneration of specific legatee's stock in joint stock company.

157. In the absence of any direction in the will where there is a specific bequest of stock in a joint stock company, if any call or other payment is due from the testator at the time of his death in respect of such stock, such call or payment shall, as between the testator's estate and the legatee, be borne by such estate;

but if any call or other payment shall, after the testator's death become due in respect of such stock, the same shall, as between the testator's estate and the legatee, be borne by the legatee if he accept the bequest.

Illustrations.

(*a.*) A bequeathed to B his shares in a certain railway. At A's death there was due from him the sum of 5*l.* in respect of each share, being the amount of a call which had been duly made, and the sum of 5*s.* in respect of each share, being the amount of interest which had accrued due in respect of the call. These payments must be borne by A's estate.

(*b.*) A has agreed to take 50 shares in an intended joint stock company, and has contracted to pay up 5*l.* in respect of each share, which sum must be paid before his title to the shares can be completed. A bequeaths these shares to B. The estate of A must make good the payments which were necessary to complete A's title.

(*c.*) A bequeaths to B his shares in a certain railway. B accepts the legacy. After A's death, a call is made in respect of the shares. B must pay the call.

(*d.*) A bequeaths to B his shares in a joint stock company. B accepts the bequest. Afterwards the affairs of the company are wound up and each shareholder is called upon for contribution. The amount of the contribution must be borne by the legatee.

(*e.*) A is the owner of ten shares in a railway company. At a meeting held during his lifetime a call is made of 3*l.* per share payable by three instalments. A bequeaths his shares to B, and dies between the day fixed for the payment of the first and the day fixed for the payment of the second instalment and without having paid the first instalment. A's estate must pay the first instalment, and B, if he accepts the legacy, must pay the remaining instalments.

PART XXIII.

Of Bequests of Things described in general terms.

Bequest of thing described in general terms.

158. If there be a bequest of something described in general terms, the executor must purchase for the legatee what may reasonably be considered to answer the description.

Illustrations.

(*a.*) A bequeaths to B *a* pair of carriage-horses, or *a* diamond-ring. The executor must provide the legatee with such articles, if the state of the assets will allow it.

(*b.*) A bequeaths to B "*his* pair of carriage-horses." A had no carriage-horses at the time of his death. The legacy fails.

PART XXIV.

Of Bequests of the Interest or Produce of a Fund.

Bequest of interest or produce of fund.

159. Where the interest or produce of a fund is bequeathed to any person, and the will affords no indication of an intention that the enjoyment of the bequest should be of limited duration, the principal as well as the interest shall belong to the legatee.

Illustrations.

(*a.*) A bequeaths to B the interest of his five per cent. promissory notes of the Government of India. There is no other clause in the will affecting those securities. B is entitled to A's five per cent. promissory notes of the Government of India.

(*b.*) A bequeaths the interest of his 5½ per cent. promissory notes of the Government of India to B for his life, and after his death to C. B is entitled to the interest of the notes during his life and C is entitled to the notes upon B's death.

(*c.*) A bequeaths to B the rents of his lands at X. B is entitled to the lands.

PART XXV.

Of Bequests of Annuities.

Annuity created by will payable for life only, unless contrary intention appears by will.

160. Where an annuity is created by will, the legatee is entitled to receive it for his life only unless a contrary intention appears by the will. And this rule shall not be varied by the circumstance that the annuity is directed to be paid out of the property generally, or that a sum of money is bequeathed to be invested in the purchase of it.

Illustrations.

(*a.*) A bequeaths to B 500 rupees a year. B is entitled during his life to receive the annual sum of 500 rupees.

(*b.*) A bequeaths to B the sum of 500 rupees monthly. B is entitled during his life to receive the sum of 500 rupees every month.

(*c.*) A bequeaths an annuity of 500 rupees to B for life, and on B's death to C. B is entitled to an annuity of 500 rupees during his life. C, if he survives B, is entitled to an annuity of 500 rupees from B's death until his own death.

Period of vesting where will directs that annuity be provided out of proceeds of property, or out of property generally or where money bequeathed to be invested in purchase of annuity.

161. Where the will directs that an annuity shall be provided for any person out of the proceeds of property, or out of property generally, or where money is bequeathed to be invested in the purchase of any annuity for any person, on the testator's death the legacy vests in interest in the legatee, and he is entitled at his option to have an annuity purchased for him or to receive the money appropriated for that purpose by the will.

Illustrations.

(*a.*) A by his will directs that his executors shall out of his property purchase an annuity of 1,000 rupees for B. B is entitled at his option to have an annuity of 1,000 rupees for his life purchased for him, or to receive such a sum as will be sufficient for the purchase of such an annuity.

(*b.*) A bequeaths a fund to B for his life, and directs that after B's death it shall be laid out in the purchase of an annuity for C. B and C survive the testators. C dies in B's lifetime. On B's death the fund belongs to the representative of C.

Abatement of annuity.

162. Where an annuity is bequeathed, but the assets of the testator are not sufficient to pay all the legacies given by the will, the annuity shall abate in the same proportion as the other pecuniary legacies given by the will.

Where gift of annuity and residuary gift, whole annuity to be first satisfied.

163. Where there is a gift of an annuity and a residuary gift, the whole of the annuity is to be satisfied before any part of the residue is paid to the residuary legatee, and, if necessary, the capital of the testator's estate shall be applied for that purpose.

PART XXVI.

Of Legacies to Creditors and Portioners.

Creditor *primâ facie* entitled to legacy as well as debt.

164. Where a debtor bequeaths a legacy to his creditor, and it does not appear from the will that the legacy is meant as a satisfaction of the debt, the creditor shall be entitled to the legacy as well as to the amount of the debt.

Child *primâ facie* entitled to legacy as well as portion.

165. Where a parent, who is under obligation by contract to provide a portion for a child, fails to do so, and afterwards bequeaths a legacy to the child, and does not intimate by his will that the legacy is meant as a satisfaction of the portion, the child shall be entitled to receive the legacy as well as the portion.

Illustration.

A, by articles entered into in contemplation of his marriage with B, covenanted that he would pay to each of the daughters of the intended marriage a portion of 20,000 rupees on her marriage. This covenant having been broken, A bequeaths 20,000 rupees to each of the married daughters of himself and B. The legatees are entitled to the benefit of this bequest in addition to their portions.

No ademption by subsequent provision for legatee.

166. No bequest shall be wholly or partially adeemed by a subsequent provision made by settlement or otherwise for the legatee.

Illustrations.

(*a.*) A bequeaths 20,000 rupees to his son B. He afterwards gives to B the sum of 20,000 rupees. The legacy is not thereby adeemed.

(*b.*) A bequeaths 40,000 rupees to B, his orphan-niece, whom he had brought up from her infancy. Afterwards on the occasion of B's marriage, A settles upon her the sum of 30,000 rupees. The legacy is not thereby diminished.

PART XXVII.

Of Election.

Circumstances in which election takes place.

167. Where a man, by his will, professes to dispose of something which he has no right to dispose of, the person to whom the thing belongs shall elect either to confirm such disposition or to dissent from it, and in the latter case he shall give up any benefits which may have been provided for him by the will.

Devolution of interest relinquished by owner.

168. The interest so relinquished shall devolve as if it had not been disposed of by the will in favour of the legatee, subject, nevertheless, to the charge of making good to the disappointed legatee the amount or value of the gift attempted to be given to him by the will.

Testator's belief as to his ownership immaterial.

169. This rule will apply whether the testator does or does not believe that which he professes to dispose of by his will to be his own.

Illustrations.

(*a.*) The farm of Sultánpur was the property of C. A bequeathed it to B, giving a legacy of 1,000 rupees to C. C has elected to retain his farm of Sultánpur, which is worth 800 rupees. C forfeits his legacy of 1,000 rupees, of which 800 rupees goes to B, and the remaining 200 rupees falls into the residuary bequest, or devolves according to the rules of intestate succession, as the case may be.

(*b.*) A bequeaths an estate to B in case B's elder brother (who is married and has children) shall leave no issue living at his death. A also bequeaths to C a jewel, which belongs to B. B must elect to give up the jewel, or to lose the estate.

(*c.*) A bequeaths to B 1,000 rupees, and to C an estate which will, under a settlement, belong to B if his elder brother (who is married and has children) shall leave no issue living at his death. B must elect to give up the estate, or to lose the legacy.

(*d.*) A, a person of the age of 18 domiciled in British India, but owning real property in England, to which C is heir-at-law, bequeaths a legacy to C, and, subject thereto, devises and bequeaths to B "all his property, whatsoever and wheresoever," and dies under 21. The real property in England does not pass by the will. C may claim his legacy without giving up the real property in England.

Bequest for man's benefit how regarded for purpose of election.

170. A bequest for a man's benefit is, for the purpose of election, the same thing as a bequest made to himself.

Illustration.

The farm of Sultánpur Khurd being the property of B, A bequeathed it to C, and bequeathed another farm called Sultánpur Buzurg to his own executors, with a direction that it should be sold, and the proceeds applied in payment of B's debts. B must elect whether he will abide by the will, or keep his farm of Sultánpur Khurd in opposition to it.

Person deriving benefit indirectly not put to election.

171. A person taking no benefit directly under the will, but deriving a benefit under it indirectly, is not put to his election.

Illustration.

The lands of Sultánpur are settled upon C for life, and after his death upon D, his only child. A bequeaths the lands of Sultánpur to B, and 1,000 rupees to C. C dies intestate, shortly after the testator, and without having made any election. D takes out administration to C, and as administrator elects on behalf of C's estate to take under the will. In that capacity he receives the legacy of 1,000 rupees, and accounts to B for the rents of the lands of Sultánpur which accrued after the death of the testator and before the death of C. In his individual character he retains the lands of Sultánpur in opposition to the will.

Person taking in individual capacity under will may in other character elect to take in opposition.

172. A person who in his individual capacity takes a benefit under the will may in another character elect to take in opposition to the will.

Illustration.

The estate of Sultánpur is settled upon A for life, and after his death upon B. A leaves the estate of Sultánpur to D, and 2,000 rupees to B, and 1,000 rupees to C, who is B's only child. B dies intestate, shortly after the testator, without having made an election. C takes out administration to B, and as administrator elects to keep the estate of Sultánpur in opposition to the will, and to relinquish the legacy of 2,000 rupees. C may do this, and yet claim his legacy of 1,000 rupees under the will.

Exception to the six last Rules.—Where a particular gift is expressed in the will to be in lieu of something belonging to the legatee, which is also in terms disposed of by the will, if the legatee claims that thing, he must relinquish the particular gift, but he is not bound to relinquish any other benefit given to him by the will.

Illustration.

Under A's marriage-settlement his wife is entitled, if she survives him, to the enjoyment of the estate of Sultánpur during her life.

A by his will bequeaths to his wife an annuity of 200*l.* during her life, in lieu of her interest in the estate of Sultánpur, which estate he bequeaths to his son. He also gives his wife a legacy of 1,000*l.* The widow elects to take what she is entitled to under the settlement. She is bound to relinquish the annuity, but not the legacy of 1,000*l.*

When acceptance of benefit given by will constitutes election to take under will.

173. Acceptance of a benefit given by the will constitutes an election by the legatee to take under the will, if he has knowledge of his right to elect, and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives inquiry into the circumstances.

Illustrations.

(*a.*) A is owner of an estate called Sultánpur Khurd, and has a life-interest in another estate called Sultánpur Buzurg, to which, upon his death, his son B will be absolutely entitled. The will of A gives the estate of Sultánpur Khurd to B, and the estate of Sultánpur Buzurg to C. B, in ignorance of his own right to the estate of Sultánpur Buzurg, allows C to take possession of it, and enters into possession of the estate of Sultánpur Khurd. B has not confirmed the bequest of Sultánpur Buzurg to C.

(*b.*) B, the eldest son of A, is the possessor of an estate called Sultánpur. A bequeaths Sultánpur to C, and to B the residue of A's property. B, having been informed by A's executors that the residue will amount to 5,000 rupees allows C to take possession of Sultánpur. He afterwards discovers that the residue does not amount to more than 500 rupees. B has not confirmed the bequest of the estate of Sultánpur to C.

Presumption arising from enjoyment by legatee for two years.

174. Such knowledge or waiver of inquiry shall, in the absence of evidence to the contrary, be presumed if the legatee has enjoyed for two years the benefits provided for him by the will without doing any act to express dissent.

Confirmation of bequest by act of legatee.

175. Such knowledge or waiver of inquiry may be inferred from any act of the legatee which renders it impossible to place the persons interested in the subject-matter of the bequest in the same condition as if such act had not been done.

Illustration.

A bequeaths to B an estate to which C is entitled and to C a coal-mine. C takes possession of the mine, and exhausts it. He has thereby confirmed the bequest of the estate to B.

When testator's representatives may call upon legatee to elect.

176. If the legatee shall not, within one year after the death of the testator, signify to the testator's representatives his intention to confirm or to dissent from the will, the representatives shall, upon the expiration of that period, require him to make his election;

Effect of non-compliance.

and if he does not comply with such requisition within a reasonable time after he has received it, he shall be deemed to have elected to confirm the will.

Postponement of election in case of disability.

177. In case of disability the election shall be postponed until the disability ceases, or until the election shall be made by some competent authority.

STATEMENT OF OBJECTS AND REASONS.

THE Khojás are members of a sect which was originally Hindu but was converted to Muhammadanism about 400 years ago. They still, however, as has been more than once held by the highest Court in the Bombay Presidency, retain their former law to such an extent in matters connected with property and succession that it is to be presumed to apply to them until the contrary is shown. This state of things has at times given rise to great difficulties in litigation between Khojás.

2. In the case of *Hirbai* v. *Gorbai*, 12 Bom. High Court Rep. 294, which appears to have occupied the Lower Court for twenty-four sitting days and the Appellate Court for four days, Sir Michael Westropp, C. J., after describing the state of the law, observed as follows :—

"It is, however, evident that the Khojás are not as firmly bound in matters of succession and inheritance by the Hindu law as Muhammadans proper are by the Muhammadan law and the Hindus by the Hindu law, and hence it is that it would not be reasonable to require such stringent proof of a custom of inheritance amongst them differing from ordinary Hindu law as from a Hindu.

"Now, it is manifest that such a state of the law must greatly encourage litigation, and we cannot help thinking that it would be most desirable that the Government should take steps, as was done in the case of the Pársís, to ascertain the views of the majority of the community on the subject of succession, and should then pass an enactment giving effect to those views. Unanimity, of course, could not be expected, but the rules which were found generally to prevail might be made law ; and though the religious differences existing among members of the Khojá caste might create some difficulty, it would not, we think, be insuperable."

3. The Government of Bombay, acting upon this suggestion, appointed about the end of the year 1878 a Commission consisting of four gentlemen taken from the Shia division of the Khojás, which acknowledged His Highness the late Ágha Khán as its spiritual superior, one taken from the Sunni division, and Mr. Spencer, Acting First Judge of the Court of Small Causes, with the Hon'ble Mr. Justice Melvill, of the Bombay High Court, as president.

The Commission took the greatest pains to inform themselves of the customs and views of both divisions of the Khojá sect in the Presidency of Bombay and elsewhere, and after much consideration and discussion agreed upon a draft Bill, subject to a dissent on a few specific points which was signed by His Highness Ágha Alí Sháh, son of His Highness the late Ágha Khán, and Mr. Dhurrumsey Poonjabhoy but not by Mr. Jairajbhoy Peerboy and Mr. Rahimtula Syance, the two other Shia members of the Commission. That draft, having been submitted to the Government of Bombay by the president on the 23rd of December, 1879, and approved of by that Government, was forwarded to the Government of India, and forms the basis of the present Bill.

4. It will be convenient to refer to the provisions of the present Bill as nearly as possible in their order, noticing in their proper place the few points in regard to which His Highness Ágha Alí Sháh and Mr. Dhurrumsey Poonjabhoy differed from the majority of the Commission, and the points of substantive importance in which the present Bill deviates from the draft framed by the Commission.

5. The first provision calling for notice is section 2, which defines the application of the Act—a matter which was not clearly provided for in the Bill prepared by the Commission. The main enactment of the section is that succession to the property, whether moveable or immoveable, in British India of a Khojá dying on or after the first day of January, 1885, shall be regulated by the rules contained in the Act wherever he may have had his domicile at the time of his death. So far as regards immoveable property, this provision coincides with section 5 of the Indian Succession Act, but, as regards moveable property, it involves an important deviation from that section, inasmuch as it applies the Act to all successions to such property though the deceased person may have been domiciled outside British India at the time of his death.

As the rule, which makes the law of the domicile of a deceased person regulate the succession to his moveable property, is not merely the rule of the Indian Succession Act but has obtained very general acceptance elsewhere, it seems desirable to state the reasons which have led the Government of India to think that it is not suitable to the Khojá community.

6. The choice as regards succession to moveable property appears to lie between the law of the domicile of the deceased and the law of the *situs* of the assets. The objections urged against the latter in Western countries are chiefly that a man's moveables are apt to be scattered over many jurisdictions each having a readily ascertainable law of its own, and that accordingly, if the law of the *situs* is made applicable to them, his estate will be broken up into many fragments, all governed by different laws; that a man's moveables may change their place; that the most important class of them, goods employed in commerce, are constantly changing their place; and that accordingly, if the law of the *situs* is applied, it will be impossible for him to foresee the particular law under which they will fall upon his death; and lastly, that the rule of the law of the *situs* does not clearly provide for that portion of the assets which consists of debts or other obligations existing in favour of the deceased. To avoid these difficulties it has been

generally agreed to adopt the law of the domicile of the deceased for the whole of his moveable estate. Various attempts have been made to rest this rule on some *á priori* principle; but it would seem to have had its actual origin in mere considerations of convenience.

7. Looking to the arguments by which it is supported, and to the peculiar circumstances of the Khojá community, it is questionable, to say the least, whether such a rule would meet the requirements of their case. The places beyond the limits of British India, as, for example, Kutch, the Persian Gulf and Zanzibar, in which any considerable number of Khojás is to be found have no law such as can properly be called a territorial law of succession. The tribunals in such places, in so far as they make any rational attempt to apply a law at all, would apply the personal law of the parties, and that in the case of Khojás is *ex hypothesi* altogether unsettled and unascertainable. There is thus in the case of Khojás domiciled out of British India practically speaking no law of the *situs* of the foreign assets to conflict with the law which would apply to the British Indian assets, and no law of the domicile to which recourse could be had; and, therefore, to give the law of the domicile a preference over the Indian law would be simply to substitute a congeries of indefinite and half-established customs for a law, to the application of which there could be no reasonable objection.

It may be added that, in the absence of a law of the domicile, the case is very analogous to those cases in which it is impossible to fix the domicile of the deceased, and the solution which Lord Alvanley appears to have suggested in a case of this latter class was to fall back, as is proposed in this case, on the law of the *situs* of the property; in other words, to put moveables on the same footing as immoveables.

8. If this solution is adopted, and the Indian law is applied to all moveables left by a deceased Khojá in British India, without regard to his domicile, and if, moreover, the same rule is applied, as it naturally would be, in cases arising in Consular jurisdictions in the Persian Gulf, Zanzibar and elsewhere, this further advantage will probably in time be gained, that the law in British India will come to be adopted as a personal law applicable to Khojás in all foreign States in this part of the world.

9. The above remarks apply equally to intestate and to testamentary succession. A question might indeed be raised as to whether a testamentary disposition made beyond the limits of British India should as regards its form be made absolutely subject to British Indian law; but, seeing that the effect of taking any other course would certainly be to admit oral dispositions, it seems clear that the risk of failures of justice will be on the whole less by subjecting completely to our law all dispositions, wherever made, of moveable property in British India.

10. In connection with the definitions it is convenient to notice one of the few important questions on which any difference of opinion has arisen, namely, the question as to the status to be assigned to a woman who is not a Khojá but who is legally married to a Khojá according to the rules of the Muhammadan law, and to her children by him.

The Khojás of the Sunni Jamát, though apparently unwilling to go so far as to recognize any other than a Khojá widow as entitled to inherit from her husband, proposed that the sons of a Khojá by a wife who is not a Khojá should have some share in the inheritance. To this the Khojás of the Shia Jamát would not agree, and the Commission ultimately adopted as a compromise the plan of assigning to the offspring of the marriages in question a status nominally intermediate between those of legitimacy and illegitimacy and giving them in the definition-clauses the designation of "alien sons", but allowing them nothing more than illegitimate sons in the later sections of their Bill. It is stated that the Khojás as a rule are very exclusive and rarely take wives from outside their own community, and so long as this state of things continues the mode in which this point is dealt with is not of great practical moment; but there is an important principle involved, against which even the compromise adopted by the Commission appears to the Government of India to offend. The exclusion of the non-Khojá wife from inheritance and the degradation of her sons to a position altogether lower than that of the legitimate son involves a view as to restrictions on marriage which, even though it may have obtained acceptance with a majority of the Khojá sect, and though the Government has no desire to interfere with it, it is manifestly undesirable to have affirmed by the legislature. The present Bill will accordingly be found to contain no reference either in its definition-clauses or elsewhere to the so-called "alien son." It defines "son" to be a legitimate son and leaves "widow" undefined, and then proceeds to declare the rights of sons and widows, trusting to the Courts to decide, as they will on principles lying outside the law of succession, who are legally entitled to the status of sons and widows.

11. Chapter II of the Bill deals with "succession to the undivided property of a male Khojá dying intestate," and in the previous chapter "undivided property" has been defined as meaning "a share in property belonging to an undivided family." The Bill prepared by the Commission purported to define the phrase "undivided family," but the definition proposed has on inquiry been found to be unsafe. The undivided family among the Khojás appears to come into existence chiefly in connection with trade, and would seem to be an institution of a peculiar nature, somewhat resembling the undivided family among the Hindus; but, on the other hand, it is clear, from the rules laid down in certain sections of the Bill prepared by the Commission, and from the papers submitted with that Bill, that it differs in important respects from the Hindu undivided family. What exactly it is, and when property is to be regarded as its undivided property, it is difficult to ascertain from the papers before the

Government of India; but, judging from the analogous case in Hindu law, it would seem that these are matters which it would be almost hopeless to attempt to define in an Act of the legislature; nor does it appear to be necessary to define them in a Succession Act. It may well be assumed that a fundamental distinction which goes to the root of the family constitution, and which is not confined in its operation to matters of succession, but applies also *inter vivos*, is established outside this Bill. For these reasons, it has been thought best to make no attempt to define "undivided family" or "undivided property" in the present Bill.

12. It will be observed, on comparing Chapters II and III, that the only peculiarity connected with the intestate succession to undivided property is (section 6) that, in default of legitimate lineal male descendants of the intestate within the fourth degree, the property is equally divided among all the male members of the undivided family living at his death.

13. Chapter III of the Bill treats of "succession to the separate property of a male Khojá dying intestate," and the order of succession marked out in sections 7 to 20 will be found to be based on that of the Hindu law.

The subjoined statement has been prepared by the Hon'ble Mr. Melvill, the President of the Commission, with a view to showing at a glance the extent to which the two differ—

Order of succession according to Hindu law.	*Order of succession for Khojás proposed by the Bill.*
1. Sons.	1. Sons.
2. Grandsons.	2. Grandsons.
3. Great-grandsons.	3. Great-grandsons.
4. Widow.	4. Great-great-grandsons.
5. Daughters.	5. Father.
6. Daughters' sons.	6. Mother.
7. Mother.	7. Widow.
8. Father.	8. Daughters.
9. Brothers.	9. Daughters' sons. }
10. Half-brothers.	10. Brothers. }
11. Brothers' sons.	11. Sons' daughters.
12. Half-brothers' sons.	12. Brothers' sons.
13. Grandmother.	13. Half-brothers.
14. Sister (under the Mayukha).	14. Half-brothers' sons.
15. Grandfather.	15. Grandfather.
16. More distant relatives.	16. Grandmother.
	17. Paternal uncle.
	18. Sister.
	19. More distant relatives.

"It will be seen," Mr. Melvill observes, "that the only very noticeable point of difference is that among the Khojás the father and mother are elevated to a rank in the order of succession superior to that of the widow. This precedence of the mother has been judicially settled in the case of *Hirbai* v. *Gorbai**, already referred to; and although the Khojá members of the Commission were not unanimously in favour of the view taken in that case, they all agreed that, having once been judicially determined, the rule should not be disturbed."

* Reported 12 Bom. H. C. Rep., 294.

14. Section 20 of the present Bill differs in one important particular from the corresponding section (29) of the Bill prepared by the Commission.

The latter admitted to the succession only those of the "more distant relatives" of the intestate who were on the father's side, and confined it to such of them as are within the seventh degree of kindred. On failure of this limited class of distant kindred, section 42 gave the property "to the Jamát of that sect of the Khojás to which the intestate belonged at the time of his death, to be held and applied according to the customs of the said Jamát." Even this did not satisfy the two dissenting members of the Commission and some of the other adherents of His Highness the late Aghá Khán, who, as Imám, was the person chiefly interested in the succession of the Jamát. They contended that the Jamát should come in immediately after the nearer relations.

The Government of India, after fully considering this point in communication with the local authorities, have come to the conclusion that it is impossible to exclude the heirs of a deceased person in favour of any such institution as a "Jamát," or any person or authority representing such an institution. It is open to any Khojá who desires that his property should be devoted to any charitable or religious purpose, or should be enjoyed by any spiritual person for whom he entertains a special veneration, to dispose of his property by will or otherwise in accordance with law, but, if he dies intestate, it would be contrary to all established principles to enact that his property should devolve otherwise than upon his relatives.

15. Apart from this fundamental objection in point of principle, there appear to be practical objections to the proposal as formulated by the Commission. The Jamát is said to be an assembly in council of all the adult male members of the Khojá community of the place, and it is not unlikely that doubts would arise, in connection with matters of religious belief, residence, attendance at the Jamát, and so forth, as to the particular Jamát (if any) to which the deceased person belonged. Similar doubts might also arise as to who were the other persons actually belonging to the Jamát to which the deceased belonged, so as to take the property. There might further be doubts as to how the property of a deceased intestate Khojá is to be held,

and the objects to which it is to be applied. It is true that the section proposed by the Commission says that the property is to be held and applied "according to the customs of the said Jamát." But from a judgment of Sir J. Arnould in the case marginally noted, it would appear that there are no customs to look to. Though a Jamát collects large sums of money through its officers, it only does so on behalf of the Imám; the money collected is passed on to him; and if the Jamát wants any portion of it, even for the expenses of its Jamát-kháná (the council-hall or guildhall of the community), it can procure it only as a grant from the Imám. It appears to be absolutely in the discretion of the Imám to spend the money as he pleases, and as a matter of fact he spends a large portion of it, or at least is said by Sir J. Arnould to have done so at the time the judgment was delivered, on his own private purposes. Indeed, in a set of draft rules of succession for Shia Khojás submitted by His Highness Aghá Alí Sháh the succession of the Jamát is treated as the same thing with the succession of the Imám. The Jamát, therefore, does not seem to have any property or control over property, and it is not clear how there can be any custom governing the application of property by it. It has been argued that no such difficulties as those suggested ordinarily arise at present, but it would be clearly impossible to put the succession of the Jamát on a legislative basis without defining its conditions and incidents, and it would be equally impossible to place the property at the absolute disposal of any individual in whatever degree of veneration he might be held.

Dayá Muhammad and others versus *H. H. Aghá Khán and others* (page 323 of the Bombay High Court Reports, Vol. XII).

16. For these reasons section 20 of the present Bill extends the succession to relatives of the intestate both on the father's and on the mother's side without limit of degree, and it may be added that section 48 applies the ordinary rule, which makes the Crown the ultimate heir, in the rare case in which an owner of property may die intestate and leave no person entitled to succeed under the previous sections.

17. Section 21 is one of the leading sections of the Bill. It provides in effect that, when a female inherits under any of the foregoing sections, she shall, if certain near male relatives are living and are thus postponed to her, take the property only as "restricted owner"—a position to be presently explained at length. With this section should be read section 49, from which it will be seen that in other cases she takes the same interest in the property and has the same powers in respect of it as if she were a male.

18. Chapter IV treats of succession to the absolute property of a female Khojá dying intestate, that is to say, the succession to such of her property as belongs to her otherwise than as restricted owner. The provisions of this chapter call for no remark. Mr. Melvill states that they differ from the Hindu law but that they are approved by all classes of the Khojás, and are not, he thinks, open to any objection. The particulars in which they deviate from the Hindu law or the reasons for the deviations are not explained. They have been accepted by the Government of India as settled by the Commission, such details only being filled in after consultation with the local authorities as seemed necessary to give effect to what is understood to be the intention of those who framed them.

19. Chapter V, which treats of "property which a female takes as restricted owner and the further succession to the same," calls for more detailed notice.

It applies not only in the ordinary case of property taken by a female as restricted owner under Chapter III (*supra*, paragraph 17), but also in cases where she may take a similar interest in property under section 23 (2), section 24 (1), section 27 and section 39.

Its provisions are merely a development, with the requisite amplifications and with the addition of the necessary machinery, of the corresponding provisions of the Bill framed by the Commission. It has been settled in consultation with the local authorities and with a view to giving effect to what are understood to be the views of the Commission; but, having regard to the novelty and complication of the subject, it is not unlikely that when subjected to criticism it will be found susceptible of improvement in many particulars.

The limited estate taken by a Khojá female under this Bill resembles the estate taken by a Hindu widow, but there are many important differences between them. Mr. Melvill observes that the Khojá female estate is the more restricted of the two, but on this point he says the Khojás hold very strong views which he is of opinion must be respected.

20. In proceeding to notice the details of the chapter, the first point calling for attention is the phrase "restricted owner." It has been chosen merely on the ground that it is new and connotes nothing, and it is not unlikely that some more appropriate phrase may be suggested. The phrase "life-estate" and its correlative "reversion," used in the Bombay Bill, are not only open to the objection that ordinarily lies against all terms imported from another legal system, but further, as has been constantly observed of them in the case of the Hindu widow's estate, they suggest an altogether false analogy. The position, if it is necessary to illustrate it by reference to English law, is rather like that of a fee-simple estate subject to an executory devise.

21. As regards the attempt made in the Bill to define the estate, it will be observed that section 28 enacts that the female shall be absolutely entitled to the use of, and the income accruing from, the property during her life, and, except as otherwise provided by the Act, shall have all the other rights and powers of an absolute owner.

An objection has been taken to this on the ground that money saved by a widow from the income of the property should not belong to her absolutely but should go to her husband's heirs.

This contention is not based on any alleged actual practice, but is put forward merely as a "necessary consequence of the invariable custom" which limits the widow's interest in the *corpus* of her husband's property to the time during which she remains unmarried.

Now, not only is it not a necessary consequence of the custom in question, but it is, as admitted by the objectors themselves, in a certain sense illogical; for why should a person who has absolute power to dispose of the income as it comes in, in whatever way she pleases, be restricted from dealing with her savings from it?

Again, the only effect of adopting the proposed suggestion would, as the objectors themselves admit, generally be that the widow would squander the income as it came in; and, in the rare cases in which she allowed some of it to accumulate, the probability is that litigation would result from the difficulty of identifying the fund and separating it from the rest of her property. For these reasons the section has been allowed to stand.

22. Section 30 defines the obligations of the restricted owner as regards—

(*a*) the preservation of the substance of the property for those who are to come after her; and

(*b*) the protection of the title.

As regards "waste," it stands on a footing altogether peculiar in the case of the Hindu widow; and clause (*a*) of this section has been drawn with a view to placing it on a somewhat similar footing in the case of the restricted owner.

23. As regards the powers of alienation, in the limitations on which the restricted nature of the estate chiefly consists, the only powers of alienation for any time beyond the life of the restricted owner allowed to her by the Bill, besides a limited power of leasing conferred by section 29, are those specified in section 31, which runs as follows:—

Restricted owner's power of transfer.

"31. A female taking property as restricted owner shall have power to transfer the same, so that the transfer may have effect beyond her life, when, the income being insufficient, such transfer is necessary in order to raise money for any of the following purposes, namely:—

"(*a*) to discharge any of the obligations imposed by section 30;*

* *Viz.*, obligations to preserve the substance of the property and protect the title.

"(*b*) to discharge the debts of the absolute owner from whom the property descended;

"(*c*) to provide for the maintenance of any persons entitled under this Act to have their maintenance provided for out of the property, for the payment of any marriage expenses or funeral expenses payable under this Act out of the property, and for the performance of any ordinary family ceremonies; and

"(*d*) to support herself where she has no other sufficient means of support."

24. It has been urged by the two dissenting members of the Commission and by some other adherents of His Highness the Imám that a mother taking a restricted estate should have larger powers of alienation and that she or a widow taking a like estate should be empowered to alienate for religious objects; that is, as explained in the set of draft rules submitted by His Highness Ághá Alí Sháh, to give the property to the Imám; but, upon considering the arguments adduced and consulting the local authorities, the Government of India have determined to uphold the decision of the majority of the Commission, which is against the concession of any such powers.

25. In order to avoid as far as possible the great difficulties which arise in the case of a Hindu widow exceeding her power of alienation, an alienation in excess of the power has (section 29 of the Bill) been made absolutely void for any period beyond the restricted owner's life, except where the purchaser takes for consideration and without notice of the ownership being restricted. This, no doubt, standing alone, would place too great difficulties in the way of alienation; but sufficient relief will probably be afforded by the power to apply to a Court for sanction, which is given by section 32. It may be objected that it is undesirable to force people to resort to a Court in such matters; but the case is one of a choice of evils, and it is probably better that they should resort to the Court in every case where there is any room for doubt than run the risk of being involved in troublesome and expensive litigation later on.

A Court dealing with a application under section 32 is empowered (section 33) to accord its sanction to the transfer subject to the condition that the money thereby raised shall be paid into Court or to trustees appointed by the Court, and to give such further directions as it may think fit with a view to ensuring that the money shall be applied to the purpose for which it is raised, or that any balance that is not so applied shall be secured for the benefit of those entitled after the restricted owner.

26. It will be observed that no provision is made in the draft for alienation with the consent of the so-called "reversioners." This matter is one which gives rise to great difficulties in the case of the Hindu widow, and it seems impossible, having regard to the system of succession established by the Bill, to provide for it in any satisfactory manner. If provision had only to be made to meet the case of "reversioners" who claim under section 37 (1) and section 38 (3) by descent from the last absolute owner, the matter would be much simpler than in the case of the Hindu widow, inasmuch as these "reversioners" would always be known living persons or persons who would claim through them; but there are, besides these, the "reversioners" mentioned in section 38 (1) and (2), and it is thus impossible to fix upon any person whose consent would be sufficient.

27. Further, even if we were, as has been suggested, to waive this objection, and accept the consent of a merely presumptive "reversioner," there is another difficulty, namely, that the presumptive "reversioner" might (see section 39 of the Bill) be another restricted owner, possibly an old woman on the verge of the grave, whose prospect of succeeding would be extremely small. There might be several such persons intervening between the restricted owner and the first person who would take as absolute owner. We could hardly rest satisfied with anything short of the consent of this last person and all the intervening ones, and thus we should be landed in a considerable complication, leading in many cases to no very satisfactory result, inasmuch as the interest of the first person who would take as absolute owner, and to whose consent we would chiefly look, would often be of a remotely contingent nature. It is, of course, on economical grounds desirable to provide a means of freeing the property from the limited ownership, but the advantage would be dearly purchased if the basis of the purchaser's title were to be complicated in this way.

28. As regards the sale of property in execution of a decree against a restricted owner, it will be seen that the effect of section 34 of the Bill is that a person lending money for any of the purposes mentioned in section 31 can sell in execution nothing more than the so-called "life-interest" of the restricted owner, unless his loan is secured by a mortgage. The position of the restricted owner as regards anything beyond her so-called life-interest is, in fact, in this particular, somewhat similar to that of an English executor with power to charge the real estate. If it were otherwise, there might arise, in cases of execution for unsecured debts, the same difficult questions which the preceding sections are intended to shut out in cases of voluntary alienation.

29. It will be observed that, by sections 37 (2) and 38 (4) of the Bill the Crown is postponed to the general heirs of the restricted owner. This appears to be right, though it is gathered from the case of *The Collector of Masulipatam* v. *Cavaly Vencata Narrainapah* (8 Moo. I. A. 529),—this precise point was not there decided,—that it is otherwise in the case of a Hindu woman's estate.

30. Sections 35 and 36 in effect provide that the restricted owner shall represent the property in judicial proceedings and compromises of disputes and for the purposes of laws of limitation and prescription, so as to bind those who take after her.

31. Sections 37 to 39, which regulate the devolution of property after the death of the restricted owner, have been drawn with a view to carry out what is understood to be the intentions of the Commission.

Their main provisions are that—

(*a*) when the restricted owner dies unmarried, the property shall belong to the person to whom it would then have belonged if she had died before the absolute owner from whom it descended and it had descended under the Act without having been alienated, and in default of such person it shall descend as if the female were not a restricted owner; and

(*b*) when the restricted owner has been married, the property shall on her death go to certain of her descendants, and if there are no such descendants shall devolve as just stated.

32. From section 39 it will be seen, as already observed, that property may devolve upon two or more restricted owners in succession. This is to be regretted, but it seems to be an essential part of the scheme.

33. Section 40 regulates the legal relations arising where two or more widows of a deceased Khojá take his property together as restricted owners, and provides that there shall be a right of survivorship between them.

34. Section 41 provides that a widow marrying again after her husband's death shall not be entitled to take as restricted owner his property or any property of any of his lineal descendants which has descended to them from him, and that, if a widow taking any such property as restricted owner subsequently marries again, she shall be deemed for the purposes of certain sections of the chapter to have died. One effect of this latter provision is that the restricted ownership of the widow ceases on her re-marriage.

35. Coming now to Chapter VI, relating to the wills of Khojás, it will be observed that all matters connected with probate and letters of administration are in the case of Khojás, as in the

case of other persons not subject to the Indian Succession Act, left to be dealt with under the Probate and Administration Act, 1881. The result of this is that the matters remaining to be provided for under this chapter are in the main the same as those which are provided for by the Hindu Wills Act, 1870, as amended by the Act just mentioned; and, as a matter of fact, the specification of the sections of the Indian Succession Act made applicable to the wills of Khojás by this chapter is based on the specification contained in the Hindu Wills Act as cut down by the Probate and Administration Act, 1881. There are, however, some important differences between the two which call for explanation here.

36. The most important of these differences is connected with the limitation on the powers of testamentary disposition. The specification of the sections of the Indian Succession Act applicable to Hindus, &c., contained in the Hindu Wills Act comprises several sections which either confer, or assume the existence of, a power of disposition in favour of unborn persons, but the Act contains a proviso to the effect that nothing therein contained shall authorize any Hindu, &c., to create in property any interest which he could not previously have created, and the Calcutta High Court have held in the recent case of *Alungamonjori Dabee* v. *Sonamoni Dabee* (I. L. R. 8 Cal. 637) that the effect of that proviso is to cut down the power of disposition, which the sections in question confer or assume to exist, to the limits imposed on a testator by the Hindu law, that is to say, as held in the well-known *Tagore* case, to a mere power of disposition in favour of persons who are either in fact or in contemplation of law in existence at the death of the testator.

37. It will be seen, on reference to the report of *Alungamonjori Dabee's* case, that, though there was no difference of opinion in the Appellate Court which finally heard it, much difficulty arose from the form in which the Hindu Wills Act had been drafted, and that the learned Judge in the Court below had been led by this to take the opposite view. This being so, it was obvious that the drafting of the Hindu Wills Act could not be followed in this particular. Moreover, it was seen that to adopt this form of drafting would in a considerable number of cases expose the testamentary dispositions of Khojás to be called in question for reasons drawn or supposed to be drawn from the extremely vague and unsettled customary law now prevailing among them, and thus the object of the present measure, which is intended to supply a definite body of law, would be to a great extent defeated. It was accordingly resolved to enact directly either that a Khojá's power of testamentary disposition should be co-extensive with that allowed by the Indian Succession Act, or should be limited somewhat in accordance with the ruling in the *Tagore* case.

38. It was clear that the question as to which of these courses should be adopted stood on grounds altogether independent of those on which the perpetuity question among Hindus had been discussed. The considerations with reference to which it should, in the opinion of the Government of India, be decided will be best seen from the remarks made on referring it to the local authorities for opinion. It was observed that the point was one in regard to which there was no recognized definite rule among the Khojás, and that if, having regard to the family system of that sect and its requirements in this particular, it was considered that it would be desirable to confer upon Khojás a power of disposition as large as that conferred by the Succession Act, the Governor General in Council would be prepared to confer that power; that the circumstance that, in the absence of any other rule, the Courts presume the Hindu law to be applicable to Khojás, and so might possibly, if the question then arose, hold a Khojá testator limited by the rule in the *Tagore* case, ought not, in the opinion of the Governor General in Council, to be permitted to stand in the way of such legislation. "The Government of India," it was said, "has ever been reluctant to alter, by legislation, personal laws like those of the Hindus and Muhammadans, which are definitely ascertainable and are established on a religious or *quasi*-religious basis; but a rule of Hindu law, which is applied not as such, but merely by virtue of the presumption above referred to, in the absence of any other ascertainable rule, to persons who are by religion not Hindus but Mussulmans, stands in its application to such persons on a totally different footing; and, if it appears expedient to set it aside as regards them, there need be no hesitation about doing so. The rule of the *Tagore* case, assuming that it would at this moment be applied by the Courts to Khojás, is as applied to them no more sacred or immutable than any of the other rules of Hindu law which at this moment may be applicable to Khojás, but which will be modified by the Bill if it becomes law. No difficulty will, therefore, be raised here on this score."

If, on the other hand, it was observed, it should appear that the rule prohibiting dispositions in favour of unborn persons had, as a matter of fact, been recognised and observed among the Khojás, or if, there being no recognized rule or established practice either way, it should be considered that the powers of disposition allowed by the Succession Act were larger than were needed for the requirements of Khojás, it would probably be desirable to limit the power of disposition in some such way as it is limited by the Hindu law as interpreted in the *Tagore* case. The system of intestate succession established by the Bill was in certain respects a complicated one; and if to this were to be added a power of making complicated dispositions by will, it was to be feared that we should bring about, in regard to the property of this wealthy and important sect, a state of things which it was desirable if possible to avoid.

39. The reply of the local authorities was to the effect that, as far as appeared, there was no recognized definite rule among the Khojás bearing on the point; that it was unlikely that

any attempt had hitherto been made among them to create by will an interest in favour of an unborn person; that there was thus a *tabula rasa*; and that it was quite open to the legislature to legislate on the subject as it thought best without any fear of violating an existing custom or of running counter to any prejudice or desire of the Khojá community.

This being so, the Government of India have come to the conclusion that it is undesirable to confer on Khojás any power of testamentary disposition in favour of persons not in existence at the time of the testator's death; and accordingly all portions of the Indian Succession Act which confer, or assume the existence of, such a power have, as far as practicable, been omitted, a proviso at the same time being inserted to the effect that a bequest by a Khojá in favour of any person who has not come into existence at the death of the testator shall be void.

40. The remaining differences between this Bill and the Hindu Wills Act as regards the provisions of the Indian Succession Act applied by them are of less importance.

It may, however, be stated that the following additional provisions of the Succession Act have been made applicable, namely:—

(*a*) section 47, giving a father power to appoint a guardian by will—a power the existence of which was assumed by the Commission;

(*b*) sections 52 and 53, relating to privileged wills;

(*c*) section 84, which provides that, when property is bequeathed to a person and words are added which describe a class of persons but do not denote them as direct objects of a distinct and independent gift, such person is entitled to the whole of the interest of the testator therein unless a contrary intention appears by the will;

(*d*) section 104, which limits directions for accumulation.

It should be added that section 187 of the Indian Succession Act, which provides that no right as executor or legatee can be established until a grant of probate or letters of administration is obtained, has been omitted for reasons similar to those which led to its being ultimately omitted from the Probate and Administration Act, 1881; and that sections 134 and 135, determining whether property bequeathed to two or more persons in succession should when its value is liable to decrease be retained in its original form, have been omitted, as it seems safer in this country to lay down no hard-and-fast rules on the subject.

41. The only other point calling for notice in connection with this chapter is that section 43, following the proviso to section 10 of the Transfer of Property Act, confers a power of bequeathing property to or for the benefit of a woman, so that she shall not have power to transfer or charge the same or her beneficial interest therein. The existence of such a power appears to have been assumed in the Bill prepared by the Commission.

42. Chapter VII, relating to maintenance and marriage and funeral expenses, calls for little notice. There was some obscurity about the corresponding provisions of the Bill prepared by the Commission, and this chapter has now been settled in accordance with what is understood from the local authorities to have been the original intention. It is believed that the only change of a substantive nature made here is in section 46, where provision has been made for the maintenance, &c., of a daughter while she remains unmarried. The chapter, however, will probably be found open to further amendment when it has been more fully considered.

43. Section 47, which provides for the recovery of sums due under this chapter, has been drawn with a view to precluding, as far as possible, the difficulties which have arisen under the Hindu law in regard to claims for maintenance, and in particular as to how far a person having a right to maintenance is entitled to follow the property of the deceased. As regards this last point, it has been thought best to place the claim for maintenance, &c., on the footing of a debt, postponing it, however, to debts proper. This will not absolutely remove all difficulty, but, by bringing the case within an existing class, it will avoid the creation of a new difficulty.

The 1st July, 1884.

C. P. ILBERT.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 19, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th June, 1884:—

No. 7 OF 1884.

THE PANJÁB COURTS BILL, 1884.

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SCHEDULE.—ACTS REPEALED.

A Bill to amend the Law relating to Courts in the Panjáb.

WHEREAS it is expedient to amend the law relating to Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. *(1)* This Act may be called the Panjáb Courts' Act, 1884. (Short title.)

(2) It extends to all the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb; and (Local extent.)

(3) It shall come into force on the first day of October, 1884. (Commencement.)

2. On and from that day the Acts mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof. (Repeal of Acts.)

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

(1) "Assistant Judge" includes a Deputy Commissioner invested with the powers of an Assistant Judge.

(2) "Assistant Commissioner" includes Extra Assistant Commissioner.

(3) "Revenue Court" means the Court of a Financial Commissioner, of a Commissioner, of a Deputy Commissioner, of an Assistant Commissioner or of a Tahsíldár exercising jurisdiction in suits of any of the classes mentioned in section 48.

(4) "Interlocutory order" means an order not having the force of a decree under the Civil Procedure Code or any other enactment, nor being a judgment, order to give security, order of acquittal or order under the Code of Criminal Procedure for the disposal of property or the proceeds thereof, passed or made by a Criminal Court. XIV of 1882. X of 1872.

The Panjáb Courts Bill, 1884.
(Chapter II.—Of the Constitution of the Courts.—Sections 4-16.)

CHAPTER II.

OF THE CONSTITUTION OF THE COURTS.

4. Besides the Courts established under any other law for the time being in force, there shall be the following grades of Courts (namely) :— (Grades of Courts.)

(1) the Chief Court;
(2) the Divisional Court;
(3) the Court of the Assistant Judge;
(4) the Court of the Subordinate Judge of the first class;
(5) the Court of the Subordinate Judge of the second class;
(6) the Court of the Subordinate Judge of the third class;
(7) the Court of the Subordinate Judge of the fourth class.

[Act XVII of 1877, s. 5.]

5. The Chief Court shall consist of three or more Judges who shall be appointed by the Governor General in Council, and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing. (Constitution of Chief Court and appointment and tenure of Judges.)

[Act XVII of 1877, s. 6.]

6. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges: (Rank and precedence of Judges of Chief Court.)

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

7. *(1)* Each Divisional Court shall consist of two or more Judges who shall be appointed by the Local Government, and may be transferred, suspended or removed by the Local Government. (Constitution of Divisional Courts.)

(2) The Commissioner of a Division may be appointed Judge of a Divisional Court, in addition to his other duties.

8. *(1)* When the Commissioner of a Division is one of the Judges of a Divisional Court, he shall be deemed the Senior Judge of the Court. (Seniority of Judges of a Divisional Court.)

(2) The seniority of the other Judges shall be regulated by the seniority of their appointments as Judges of a Divisional Court:

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

9. *(1)* The Assistant Judges and the Subordinate Judges of the first class shall be appointed, and may be transferred, suspended or removed, by the Local Government. (Appointment of Assistant Judges and Subordinate Judges.)

(2) The Subordinate Judges of the second, third and fourth classes shall be appointed, and may be transferred, suspended or removed, by the Chief Court, subject to the control of the Local Government, and to rules which the Local Government is hereby empowered to make as to the qualifications of persons to be appointed to the office of Subordinate Judge.

(3) The present Munsifs shall be deemed to have been duly appointed, and shall be, Subordinate Judges under this Act, and their classification as Subordinate Judges of the second, third or fourth class shall be determined by the Chief Court.

[Act XVII of 1877, s. 7.]

10. Every person appointed under this Act to be or to act as Judge of a Divisional Court, Assistant Judge or Subordinate Judge shall, within the local limits of the jurisdiction of the Court to which he may, from time to time, be posted, have the powers of a Judge of a Divisional Court, of the Court of an Assistant Judge, or of the Court of a Subordinate Judge of the fourth class, as the case may be. (Certain powers to be exercised *ex officio*.)

[Act XVII of 1877, s. 8.]

11. *(1)* The Local Government may, from time to time, confer upon any Deputy Commissioner or Assistant Commissioner the powers of an Assistant Judge, or upon any Assistant Commissioner the powers of a Subordinate Judge of any class, or upon any Subordinate Judge not being an Assistant Commissioner the powers of a Subordinate Judge of the second or of the third class, or upon any Tahsíldár or Náib Tahsíldár the powers of a Subordinate Judge of the third or of the fourth class, and may withdraw any powers so conferred. (Deputy Commissioners, Assistant Commissioners, Subordinate Judges, Tahsíldárs and Naib Tahsíldárs may be invested with powers.)

(2) Any officer invested with powers under this section may exercise such powers in any district or sub-division of a district to which he may, from time to time, be posted.

[Act XVII of 1877, s. 9.]

12. The Local Government may, from time to time, confer upon any person all or any of the powers of a Court of any of the five grades last mentioned in section 4, and may withdraw any powers so conferred. (Any person may be invested with certain powers.)

[Act XVII of 1877, s. 10.]

13. *(1)* The Local Government may direct any three or more persons invested with powers of the same description under section 12 to sit together as a bench; and those powers shall, while such direction remains in force, be exercised by the bench so constituted, and not otherwise. (Exercise of such powers by benches.)

(2) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

[Act XVII of 1877, s. 11.]

14. Except for the purpose of exercising control over any other Court, any person or any bench exercising the powers of a Court of any grade under section 12 or section 13 shall be deemed to be a Court of such grade for all the purposes of this Act. (Persons and benches exercising such powers to be deemed Courts of corresponding grades.)

[Act XVII of 1877, s. 12.]

15. Any person or bench invested under section 11, section 12 or section 13 with the powers of a Court of any grade shall exercise such powers and discharge the functions of such Court within such local limits and in such classes of cases as the Local Government may, from time to time, direct. (Such powers where and in what cases to be exercised.)

[Act XVII of 1877, s. 13.]

16. The Local Government may, from time to time, by notification in the official Gazette, fix the local limits of the jurisdiction of any Court of any of the six grades last mentioned in section 4. (Power to alter local limits of jurisdiction.)

The Panjáb Courts Bill, 1884.
(Chapter III.—Of the Jurisdiction and Powers of the Chief Court.—Sections 17-24.)

CHAPTER III.

OF THE JURISDICTION AND POWERS OF THE CHIEF COURT.

[Act XVII of 1877, s. 14.]

Civil appeals from subordinate Courts.

17. The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

[Act XVII of 1877, s. 15; *Cf.* Crim. Pro. Code, ss. 4 (*i*) and 266.]

Criminal, appellate and revisional jurisdiction.

Power to try European British subjects.

18. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial.

[Act XVII of 1877, s. 16; Civil Pro. Code, s. 25.]

Power to withdraw and try, or to transfer, suits.

19. The Chief Court may, on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, or of its own motion, without giving such notice, withdraw any suit or other civil proceeding instituted in any Court under its superintendence or control, and try or dispose of such suit or proceeding itself, or transfer the same for trial or disposal to any other Court under its superintendence or control and competent to try or dispose of such suit or proceeding in respect of its nature and the amount or value of its subject-matter.

[Act XVII of 1877, s. 17.]

Appeals from original jurisdiction of Chief Court.

20. Except as otherwise provided by any law for the time being in force, an appeal shall lie from any decree or order passed or made by the Chief Court—

(*a*) in exercise of the original jurisdiction conferred by section 19; or

(*b*) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section:

Provided that such appeal shall lie only in the cases and in manner following (that is to say):—

(*c*) when such decree or order is made by a single Judge, an appeal shall lie, either to a bench consisting of two other Judges, or to the full bench, as the Court may, by general rule or special order, from time to time, direct;

(*d*) when such decree or order is made by a bench of Judges not being the full bench, and such Judges differ in opinion, the appeal shall lie from such decree or order to the full bench.

[Act XVII of 1877, s. 19, extended to Divisional Courts.]

Delegation of powers to its members.

21. *(1)* Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its Judges of any powers conferred on it, and for the exercise by one or more of the Judges of a Divisional Court of any of the powers conferred on that Court, by this Act, or by any other enactment for the time being in force:

Proviso.

Provided that no order not being an interlocutory order, and no decree, sentence or decision of any Court, shall be reversed by any Judge of the Chief Court or of a Divisional Court sitting alone.

(2) When the Chief Court consists of more than three Judges, it may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court, and may by these rules prescribe the mode of determining what Judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) The Chief Court may, from time to time, delegate to one of its Judges the power of determining, subject to any rules made under this section, what Judge in each case shall sit alone and what Judges of the Court shall constitute any bench of Judges.

[Sec 24 & 25 Vic., cap. 104, s. 14.]

[Act XVII of 1877, s. 20.]

Rule of decision when Judges differ.

22. When there is a difference of opinion among the Judges composing any bench of the Chief Court on any question arising before such Judges in the exercise by them of any powers conferred on such Court by this Act, or by any other enactment for the time being in force, such question shall, except as otherwise provided by any enactment for the time being in force, be decided as follows, that is to say:

If the number of such Judges concurring in one opinion upon such question is larger than the number holding any other opinion upon such question, the decision shall be in accordance with the opinion of such larger number.

If the numbers of such Judges holding two or more opinions on such question are equal, the following rules shall be observed, that is to say:—

(*a*) if such bench is the full bench, or is exercising any original jurisdiction to which section 20 applies or is extended, the decision upon such question shall be in accordance with such one of these opinions as is held by the Judge who has precedence under section 6;

(*b*) in other cases the bench before which such question has arisen shall refer the same to the full bench, and the full bench shall decide the same in accordance with the rules hereinbefore contained, and the case in which such question has arisen shall be disposed of by the bench referring such question in accordance with the decision of the full bench thereon.

[Act XVII of 1877, s. 21.]

Power to refer question to full bench.

23. *(1)* Any single Judge of the Chief Court or any bench of Judges of such Court (not being the full bench) exercising any powers conferred on the Chief Court by this Act or by any other enactment for the time being in force may refer for the decision of the full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before such Judge or bench of Judges.

(2) Any Judge or bench making a reference on any question in any case under this section shall dispose of such case in accordance with the decision of the full bench on such question.

[Act XVII of 1877, s. 22.]

Power to appoint ministerial officers.

24. *(1)* The Chief Court may, from time to time, appoint a Registrar and Deputy Registrar and such other ministerial officers as may be necessary for the administration of justice by such Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

(2) The appointment of the Registrar shall be subject to the sanction of the Local Government.

The Panjáb Courts Bill, 1884.
(Chapter IV.—Of the Jurisdiction and Powers of the Subordinate Courts.—Section 34.)

[Act XVII of 1877, s. 23.]

Powers and duties of such officers.

25. The officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the Chief Court may, from time to time, direct.

[Act XVII of 1877, s. 24.]

Suspension and dismissal of such officers.

26. Any such officer may be suspended or dismissed from his office by order of the Chief Court:

Provided that neither the Registrar nor the Deputy Registrar shall be dismissed without the previous sanction of the Local Government.

[Act XVII of 1877, s. 25.]

Superintendence and control of subordinate Courts.

27. The general superintendence and control over all Courts of the six grades last mentioned in section 4, and over all Courts of Small Causes, shall be vested in, and such Courts shall be subordinate to, the Chief Court.

[Act XVII of 1877, s. 26.]

Power to make rules as to petition-writers.

28. *(1)* The Chief Court may, from time to time, make rules—

(*a*) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjáb;

(*b*) regulating the conduct of persons so practising.

(2) Whoever breaks any rule made under this section and having the force of law shall be liable, on conviction before a Magistrate, to a fine which may extend to fifty rupees.

[Act XVII of 1877, s. 27; see also Criminal Procedure Code, s. 553, and Civil Procedure Code, s. 652.]

Power to make rules as to other matters.

29. The Chief Court may, from time to time,—

(*a*) make rules consistent with this Act conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a ministerial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

(*b*) make rules consistent with this Act to determine in what cases pleaders practising in such Courts shall be permitted to address such Courts in English;

(*c*) prescribe forms for seals to be used by such Courts;

(*d*) prescribe forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in such Courts or submitted to any authority;

(*e*) make rules consistent with this Act providing for the inspection of such Courts and the supervision of the working thereof;

(*f*) make such rules consistent with this Act, institute such enquiries and submit such recommendations to the Local Government as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of such Courts and maintaining proper discipline among such officers.

[Act XVII of 1877, s. 28.]

Registers, books, accounts and statements to be kept and furnished by Chief Court.

30. *(1)* The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of the same registers, books and accounts, and statements of the work done in the Court, as may, from time to time, be required by the said Government.

(2) The Chief Court shall also comply with such requisitions as may, from time to time, be made by the Governor General in Council, or by the Local Government, for certified copies of, or extracts from, the records of the Courts.

[Sec. 29, Act XVII of 1877, and ss. 638 and 639, Civ. Pro. Code.]

Chief Court to take evidence and record judgments according to its own rules, and to frame forms for proceedings.

31. *(1)* The Chief Court, when sitting as a Court of civil judicature, shall take evidence and record judgments and orders in such manner as it, by rule, from time to time, directs, and may, from time to time, frame forms for any proceeding in that Court in the exercise of its civil jurisdiction.

(2) The following provisions of the Civil Procedure Code shall not apply to the Chief Court in the exercise of its original civil jurisdiction, namely, sections 119, 182 to 185 (both inclusive), 187, 189 to 191 (both inclusive), 192 (so far as it relates to the manner of taking evidence), 198, 200 to 204 (both inclusive), and so much of section 409 as relates to the making of a memorandum; XIV of 1882.

And sections 571 to 573 (both inclusive), 574 (so far as it relates to the time of dating and signing judgment) and 579 shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

[Act XVII of 1877, s. 29.]

Non-judicial acts may be done by Registrar.

32. *(1)* Any non-judicial or quasi-judicial act which the Civil Procedure Code requires to be done by a Judge, and any act which may be done by a Commissioner appointed to examine and adjust accounts under section 394 of that Code, may be done by the Registrar of the Court, or by such other officer of the Court as the Court may direct to do such act. XIV of 1882.

(2) The Chief Court may, from time to time, by rule, declare what shall be deemed to be non-judicial and quasi-judicial acts within the meaning of this section.

[New. *Cf.* ss. 199, Civ. Pro. Code.]

Delivery of judgment in the absence of Judge who recorded it.

33. When any appeal, reference or case heard in the exercise of revisional jurisdiction has been heard by a bench consisting of two or more Judges, a judgment or dissent written by any member of the bench, but not pronounced, may be delivered by any other member of that bench.

CHAPTER IV.

OF THE JURISDICTION AND POWERS OF THE SUBORDINATE COURTS.

[Sec. 30, Act XVII of 1877.]

Controlling powers of Divisional Court and of Assistant Judges.

34. Subject to the general superintendence and control of the Chief Court—

every Divisional Court shall control (*a*) the Courts of all Assistant Judges or officers invested with the powers of an Assistant Judge within its division, and (*b*) the Courts controlled by the Assistant Judges or Deputy Commissioners invested with the powers of an Assistant Judge within its division;

and, subject to the control of the Divisional Court—

every Assistant Judge and every Deputy Commissioner invested with the powers of an Assist-

The Panjáb Courts Bill, 1884.
(Chapter IV.—Of the Jurisdiction and Powers of the Subordinate Courts.—Sections 35-41.)

ant Judge shall control (*a*) all Courts of the four grades last mentioned in section 4, and all Courts of Small Causes, and (*b*) all Courts of persons other than the Deputy Commissioner of a district invested under section 11 or section 12 with the powers of an Assistant Judge within the area subject to his jurisdiction.

Principal Court of original jurisdiction.

35. Except as otherwise provided by any enactment for the time being in force, the Divisional Court shall be deemed to be the District Court or principal civil Court of original jurisdiction in its division:

Provided that the Local Government may empower any Assistant Judge or any Deputy Commissioner invested with the powers of an Assistant Judge to exercise all or any of the powers of a District Court within the area subject to his jurisdiction.

[Act XVII of 1877, s. 32.]

36. Except as otherwise provided by any enactment for the time being in force—

No pecuniary limits of jurisdiction of Divisional Court or of Assistant Judge.

(1) the Divisional Court, and (2) the Court of the Assistant Judge, shall have jurisdiction for the adjudication of original civil suits without limit as regards the amount or value of the subject-matter of such suits; and

Pecuniary limits of jurisdiction of other Courts.

each of the Courts mentioned in the first column of the subjoined table shall have jurisdiction for the adjudication of civil suits when the amount or value of the subject-matter of such suits does not exceed the limit prescribed for such Court in the second column of the table:—

COURT.	Limit of jurisdiction.
	Rs.
(*a*)—The Court of the Subordinate Judge of the first class.	5,000
(*b*)—The Court of the Subordinate Judge of the second class.	1,000
(*c*)—The Court of the Subordinate Judge of the third class.	500
(*d*)—The Court of the Subordinate Judge of the fourth class.	100

[Section 33, Act XVII of 1877.]

Powers of Divisional Court and of Court of Assistant Judge.

37. *(1)* Any Divisional Court or any Assistant Judge, or Deputy Commissioner invested with the powers of Assistant Judge, may exercise, as regards the Courts under its or his control, the same powers of withdrawal, trial, disposal and transfer as are conferred by section 19 on the Chief Court.

(2) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

(3) The Local Government may, from time to time, confer upon any Assistant Commissioner the powers of an Assistant Judge under this section, and withdraw the same.

[Section 34, Act XVII of 1877.] XIV of 1882.

Power to distribute business.

38. Notwithstanding anything contained in the Code of Civil Procedure, every Divisional Court, Assistant Judge or Deputy Commissioner invested with the powers of Assistant Judge may, by written order, direct that any civil business cognizable by it or his Court and the Courts under its or his control (including the execution of decrees) shall be distributed among such Courts in such manner as it or he thinks fit:

Provided that no direction issued under this section shall empower any Court to exercise any jurisdiction in any suit of which the amount or value of the subject-matter exceeds its proper jurisdiction:

Provided also that no such direction shall be inconsistent with any direction or notification issued by the Local Government under section 15 or 16.

[Section 35, Act XVII of 1877.]

Ministerial officers of subordinate Courts.

39. *(1)* The ministerial officers of the Divisional Court and of the Courts of Assistant Judges and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively, whose orders in such matters shall, in the case of a Divisional Court, be final, and in the case of any other Court be subject to the general control of the Divisional Court.

(2) The ministerial officers of all Courts controlled by an Assistant Judge, other than a Court of Small Causes, shall be appointed, and may be suspended and dismissed, by the Assistant Judge, subject to the general control of the Divisional Court.

(3) Every appointment under this section shall be subject to such rules as the Local Government, from time to time, prescribes in this behalf.

[Act XVII of 1877, s. 36.]

Power to fine ministerial officers.

40. *(1)* The Judge or presiding officer of every Court under the control of an Assistant Judge may fine, in an amount not exceeding one month's salary, any of the ministerial officers of such Court who is guilty of misconduct or neglect in the performance of the duties of his office.

(2) The Assistant Judge, subject to the general control of the Divisional Court, may, on appeal or otherwise, reverse or modify any such order made by any such Judge or officer, other than a Judge of a Court of Small Causes; and may of his own motion fine up to the amount of one month's salary any ministerial officer of any Court under his control other than a Court of Small Causes.

(3) Any Divisional Court or Assistant Judge, and the Judge of any Court of Small Causes, may fine any ministerial officer of his Court in an amount not exceeding one month's salary.

[New. *Cf.* Act VI of 1871, s. 29, and Act XIII of 1879, s. 24.]

Power to invest with Small Cause Court jurisdiction.

41. The Local Government may invest, within such local limits as it, from time to time, fixes, any Assistant Judge or Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second or third class with similar jurisdiction up to the amount of fifty rupees; and may, whenever it thinks fit, withdraw the jurisdiction so conferred.

The Panjáb Courts Bill, 1884.
(Chapter V.—Of Appellate Jurisdiction in Civil Cases.—Sections 42-47.)
(Chapter VI.—Of Revenue Courts.—Section 48.)

CHAPTER V.

OF APPELLATE JURISDICTION IN CIVIL CASES.

First appeals to whom to lie.

42. *(1)* Appeals from the decrees and orders of a Court of any of the three grades last mentioned in section 4 in suits of the nature cognizable in Courts of Small Causes, and in suits of any other class which the Chief Court, with the sanction of the Local Government, may, from time to time, determine to place on the same footing, shall, when such appeals are allowed by law, and the value or amount of the subject-matter of the suit does not exceed five hundred rupees, lie to the Court of the Assistant Judge.

(2) Appeals from the decrees and orders of the Court of the Assistant Judge in original suits, when the amount or value of the subject-matter of the suit exceeds five thousand rupees, and appeals from the decrees and orders of the Divisional Court in original suits, shall, when such appeals are allowed by law, lie to the Chief Court.

(3) Appeals from decrees and orders in original suits not hereinbefore provided for shall, when such appeal is allowed by law, lie to the Divisional Court.

Further appeal to lie to the Chief Court on the certificate of the Divisional Court that the case is a fit one for further appeal.

43. When two Judges of a Divisional Court are unable to concur in a judgment varying or reversing the decree or order appealed against, or when some question of law or custom, or of general interest, is involved, the Judges may, if they regard the case as of sufficient importance to justify a further appeal, or if, when the certificate is applied for, one of the Judges who passed the decree is no longer attached to the Court, the remaining Judge may, if he regards the case as of sufficient importance to justify a further appeal, grant a certificate to any party to the appeal that the case is a fit one for a further appeal; and on such certificate being granted a further appeal shall lie to the Chief Court from the decree or order of the Divisional Court on any ground which would be a good ground of appeal if the decree or order had been passed in an original suit:

Provided that no further appeal shall lie in any suit of the nature cognizable in Courts of Small Causes, or other suit placed on the same footing under section 42 when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees.

XIV of 1882.

Appellate decision of Assistant Judge or Divisional Court otherwise final.

44. Subject to the provisions of section 43, and of the Code of Civil Procedure, sections 595 and 622, the decision of the Court of the Assistant Judge or of the Divisional Court passed in appeal shall be final.

[*Cf.* Act XIII of 1879, s. 22.]

Appeals from decrees, &c., passed before Act comes into force.

45. For the purposes of sections 42 and 23, all decrees, orders and decisions passed before the date on which this Act comes into force shall be deemed—

(*a*) if passed by a Commissioner or Additional Commissioner, or by the Civil Judge of Peshawar, to have been passed by the Divisional Court;

(*b*) if passed by a Deputy Commissioner or other officer invested with the appellate jurisdiction of a Deputy Commissioner, to have been passed by an Assistant Judge;

(*c*) if passed by an Assistant Commissioner with full powers, to have been passed by a Subordinate Judge of the first class;

(*d*) if passed by an Assistant Commissioner not invested with full powers or with the appellate powers of a Deputy Commissioner, or by an Honorary Civil Judge, or by a Tahsíldár or Náib Tahsíldár, to have been passed by a Subordinate Judge of the second, third or fourth class:

Provided that—

(1) no right of appeal which has accrued under the existing law shall be taken away, and no certificate shall be required for a further appeal;

(2) if the amount or value of the subject-matter of the suit exceeds five thousand rupees, the appeal, if any is allowed by law, shall lie to the Chief Court; but in other cases in which the appeal now lies to the Commissioner's Court, the appeal shall lie to the Divisional Court.

[Act XVII of 1877, s. 40.]

Period of limitation.

46. *(1)* The period of limitation for an appeal under section 41 or section 42 shall run from the date of the decree, order or decision appealed against, and shall be as follows, that is to say:—

(*a*) when such appeal lies to the Court of the Assistant Judge or to the Divisional Court—sixty days;

(*b*) when such appeal lies to the Chief Court—ninety days.

(2) In computing such periods of sixty and ninety days, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

XV of 1877.

[Act XVII of 1877 s. 41.]

Power to withdraw and try or to transfer appeal.

47. The Chief Court, the Divisional Court or the Court of an Assistant Judge may, on the application of any of the parties, after giving notice to the parties and hearing such of them as desire to be heard, or of its own motion, without giving such notice, withdraw any civil appeal pending in any Court under its superintendence or control, and try such appeal itself, or transfer the same for trial to any other Court under its superintendence or control and of a grade equal or superior to that of the Court from which such appeal is withdrawn.

CHAPTER VI.

OF REVENUE COURTS.

Certain classes of suits cognizable by Revenue Courts only.

48. Suits of any of the following classes instituted on and after the first day of October, 1884, shall be heard and determined in Revenue Courts and not otherwise:

(*a*) suits by tenants to establish a claim to a right of occupancy under Chapter II of the Panjáb Tenancy Act, 1868;

XXVIII of 1868.

(*b*) suits by landlords under section 6 of the same Act to prove that a tenant presumed to have a right of occupancy under that section has no such right;

(*c*) suits for enhancement or abatement of rent under Chapter III of the same Act;

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(Chapter VI.—Of Revenue Courts.—Sections 49-55.)

(*d*) suits for ejectment of a tenant under Chapter IV of the same Act;

(*e*) suits under section 25 of the same Act to contest liability to be ejected when notice of ejectment has been served;

(*f*) suits under section 40 of the same Act to determine the amount or value of the compensation to be paid or the terms of a lease to be granted to a tenant under section 39 of the same Act, or both;

(*g*) suits for arrears of rent on account of land, or on account of any rights of pasturage, forest-rights, fisheries or the like;

(*h*) suits for the recovery of any over-payment of rent;

(*i*) suits by lambardárs for arrears of land-revenue, payable through them by the co-sharers, or for village-expenses or other dues for which the co-sharers may be responsible to the lambardár;

(*j*) suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses, or for a settlement of accounts;

(*k*) suits by assignees of land-revenue for arrears of revenue due to them as such;

(*l*) suits by superior proprietors for arrears of revenue due to them as such; and

(*m*) suits under section 9 of the Specific Relief Act to recover possession of land assessed to the land-revenue or liable to be so assessed, or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned. I of 1877.

49. If in any suit of any of the classes mentioned in clauses (*a*) to (*l*) of the last preceding section it appears that the parties are at issue on any question of proprietary title, or on the question of the existence of the relation of landlord and tenant between them, the Revenue Court shall not determine such question, but may either proceed to decide the case by passing a decree contingent upon the determination of such question by a Civil Court, giving such directions as it may think proper as to the party with whom it shall rest to institute a suit for the purpose, or, on the application of either party, may stay proceedings to enable the party applying to institute a suit for the purpose in a Civil Court; but the proceedings shall not be stayed under this section for more than three months unless such suit is in the meantime instituted; nor, when a decree has been passed contingent upon the determination of such question by a Civil Court, shall any execution be issued, property sold or person ejected or imprisoned thereunder until the receipt of a copy of the judgment of the Civil Court on the question, unless the decree has been passed against the party whose duty it is to sue and he fails to institute the suit for more than three months from the date of the decree.

Procedure when question of proprietary title or of existence of relation of landlord and tenant arises.

50. All Assistant Commissioners and Tahsíldárs shall have power to try suits of the classes mentioned in section 48, clauses (*g*), (*i*), (*k*) and (*l*), when the amount or value of the claim does not exceed one hundred rupees; and the Local Government may invest Náib Tahsíldárs with the same powers.

Certain revenue powers of Assistant Commissioners and Tahsíldárs to be exercised *ex officio*.

51. The Local Government may invest any Assistant Commissioner or Tahsíldár with power to try all suits of the classes mentioned in the same section, clauses (*d*) and (*f*) to (*m*), both inclusive.

Additional powers with which Assistant Commissioners and Tahsíldárs may be invested.

52. The Deputy Commissioner shall have power to try suits of any of the classes mentioned in section 48, and the Local Government may specially invest any Assistant Commissioner with the powers of a Deputy Commissioner for the trial of suits of the classes mentioned in clauses (*a*), (*b*), (*c*) and (*e*) of the same section.

Revenue powers of Deputy Commissioners and power to invest Assistant Commissioners therewith.

53. *(1)* The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in cases under this chapter for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts. [*Cf.* Act XVIII of 1881, s. 19.] XIV of 1882.

Procedure of Revenue Courts how to be regulated.

(2) Until such rules are made, Revenue Courts shall be guided in cases under this chapter by the provisions of the Code of Civil Procedure, section 2, Part I, except Chapters XVI and XX, Parts II, III and IV, Chapters XXXVII and XXXVIII, XLI, XLIII and XLIV, and Parts VIII and X, so far as applicable; and the Court of the Financial Commissioner shall, in respect of such cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under his control, the same powers of withdrawal, trial, disposal and transfer as are conferred by sections 19 and 17 on the Chief Court; and the Commissioner and Deputy Commissioner shall respectively exercise, as regards the Courts under his control, the same powers of withdrawal, trial, disposal and transfer as are conferred by sections 57 and 47 upon a Divisional Court and an Assistant Judge. XIV of 1882.

54. Every Commissioner or Deputy Commissioner may, by written order, direct that any business cognizable under this chapter by his Court, and the Courts under his control (including the execution of decrees) shall be distributed among such Courts in such manner as he thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any jurisdiction which it is not empowered to exercise under section 50, section 51 or section 52.

55. All decisions and orders (except decisions and orders in suits under section 9 of the Specific Relief Act) of Assistant Commissioners not invested with the powers of a Deputy Commissioner under section 52, and of Tahsíldárs, shall be appealable to the Deputy Commissioner, whose order thereon shall be final, unless when the amount or value of the subject-matter exceeds one hundred rupees, when a I of 1877.

Cases appealable to Deputy Commissioner.

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(Chapter VI.—Of Revenue Courts.—Sections 56-64.)

further appeal shall lie to the Commissioner, or, in case the amount or value of the subject-matter exceeds five thousand rupees, to the Financial Commissioner.

Further appeal in certain cases.

56. *(1)* All decisions and orders of Deputy Commissioners and Assistant Commissioners invested with the powers of a Deputy Commissioner in suits of the classes mentioned in clauses (*a*), (*b*), (*c*) and (*e*) of section 48, and in other suits (except suits under section 9 of the Specific Relief Act) in which the value of the subject-matter exceeds one hundred rupees, shall be appealable to the Commissioner, or in case the amount or value exceeds five thousand rupees, to the Financial Commissioner. I of 1877.

Cases appealable to Commissioner or Financial Commissioner.

(2) In all other cases their judgments and orders shall be final.

Other judgments to be final.

57. An appeal from the decisions of the Commissioner on appeals in suits of the classes mentioned in clauses (*a*), (*b*), (*c*) and (*e*) of section 48 shall lie to the Financial Commissioner, unless when the Commissioner dismisses the appeal. All other judgments and orders of the Commissioner on appeals shall be final, subject to revision by the Financial Commissioner.

Further appeal to Financial Commissioner in certain cases.

Other judgments of Commissioner to be final.

58. The Financial Commissioner may at any time call for any case which has come before any Commissioner or any Court subordinate to him, and pass such orders thereon consistent with the law applicable thereto as he thinks fit.

Revisional jurisdiction of Financial Commissioner.

59. *(1)* The period of limitation for an appeal under section 55, section 56 or section 57 shall run from the date of the decree, order for decision appealed against, and shall be as follows, that is to say:—

Limitation of appeals under this chapter.

(*a*) when such appeal lies to the Court of the Deputy Commissioner or of the Commissioner—sixty days;

(*b*) when such appeal lies to the Financial Commissioner—ninety days.

(2) In computing such periods of sixty and ninety days, and in all respects not herein specified, the limitation of such appeals shall be governed by the provisions of the Indian Limitation Act, 1877. XV of 1877.

60. Subject to the general superintendence and control of the Financial Commissioner, every Commissioner shall control the Revenue Courts of all Deputy Commissioners and the Revenue Courts controlled by Deputy Commissioners within his Division; and

Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.

subject to the control of the Commissioner, every Deputy Commissioner shall control the Revenue Courts of all Assistant Commissioners and Tahsíldárs and officers invested with the powers of Deputy Commissioner, Assistant Commissioner or Tahsíldár within his District.

61. Except for the purpose of exercising control over any other Revenue Court, any person exercising the powers of a Revenue Court of any grade under section 49 or section 51 shall be deemed to be a Court of such grade for all the purposes of this Act, and shall exercise such powers and discharge the functions of such Court within such local limits and in such classes of cases as the Local Government may, from time to time, direct.

Persons invested with powers under this chapter to be deemed to be Courts of corresponding grades, and where and in what cases to exercise their powers.

62. When more than one Financial Commissioner is appointed, the Local Government may, from time to time, make rules as to the distribution of revenue, judicial and other business between the persons so appointed; and, until such rules are made, the Financial Commissioner who is senior in respect of his appointment as such may transfer such business as he thinks fit to the other Financial Commissioner for disposal, and may withdraw and himself dispose of any business so transferred and not disposed of.

Distribution of business between Financial Commissioners.

63. If either Financial Commissioner desires to obtain the opinion of the other upon any question arising in any appeal under this chapter pending before him, he may forward the record to the other Financial Commissioner with a statement of the question upon which he desires his opinion; and the latter, after such examination and such hearing (if any) as he thinks fit, shall record his opinion upon the question referred to him; and the Financial Commissioner who made the reference shall proceed to dispose of the appeal after considering the opinion so obtained.

Consultation between Financial Commissioners.

64. *(1)* The Local Government may, from time to time, by notification in official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling such settlement, either by name or in virtue of his office, with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of such land, arising in such local area. [Act XVII of 1877, s. 49.]

Power to invest Settlement-officers with powers of Civil or Revenue Courts in certain cases.

(2) The publication of any notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

(3) The Local Government may cancel any such notification.

(4) While such notification continues in force, such powers shall be exercised by the officers so invested, and not otherwise:

Provided that the Local Government may, by order published in the official Gazette, direct that any jurisdiction with which any officer may have been invested by such notification shall be exercised solely by the Court by which such jurisdiction would have been exercised if such notification had not been published:

Provided also that any cases pending before any officer under such notification when it is cancelled may, notwithstanding such cancellation, be

The Panjáb Courts Bill, 1884.
(Chapter VII.—Miscellaneous and Supplementary Provisions.—Sections 66-73.)

disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that such cases shall be transferred for disposal to the Court by which they would have been disposed of if such notification had not been published.

Explanation.—In this section "land" means land assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village.

[Act XVII of 1877, s. 50.] Power to alter subordination of Courts for purposes of section 64.

65. For the purposes of section 64 the Local Government may, notwithstanding anything in this Act, from time to time direct that any of the Courts mentioned in this Act (except the Chief Court) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those specified in this Act.

CHAPTER VII.

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

[Act XVII of 1877, s. 46; compare Act VI of 1871, s. 25; Act XVII of 1875, s. 19; and Act XIII of 1879, s. 23.] Presiding Officer of Court not to try certain suits and appeals.

66. *(1)* Except with the consent of the parties, no presiding officer of any Court having jurisdiction under this Act shall try any suit or appeal to which he is a party or in which he is personally interested, or any appeal against a decree or order passed by himself, or shall adjudicate upon any proceeding connected with or arising out of such suit or appeal.

(2) When any such suit, appeal or proceeding comes before him, he shall forthwith transmit the record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

(3) The superior Court shall thereupon dispose of the case in the manner prescribed by section XIV of 1882. 25 of the Code of Civil Procedure.

[Act XVII of 1877, s. 47.] Rules when to have force of law.

67. All rules made and forms prescribed under section 28 and section 29, clauses (*a*), (*b*), (*d*) and (*e*), shall be submitted for sanction to the Local Government, and, on receiving such sanction, shall be published in the official Gazette, and shall thereupon have the force of law.

[Act XVII of 1877, s. 48.] Local Government may transfer power conferred by section 27 to a single Judge.

68. *(1)* The Local Government may, from time to time, with the previous sanction of the Governor General in Council, by notification in the official Gazette, appoint a single Judge of the Chief Court to exercise the power of superintendence conferred on such Court by section 27, and may cancel such notification.

(2) While such notification continues in force, such power shall be exercised by the Judge appointed thereby, and not otherwise.

[*Cf.* Act XIII of 1879, s. 27.] IV of 1869. Jurisdiction under Divorce Act.

69. For the purposes of the Indian Divorce Act, any Judge of the Divisional Court shall be deemed to be the District Judge throughout the Division over which that Court has jurisdiction.

[Act VI of 1871, s. 17; Act XIII of 1879, s. 38.] Vacations.

70. *(1)* Subject to such orders as may, from time to time, be issued by the Governor General in Council, and to the approval of the Local Government, the Chief Court shall prepare a list of days to be observed in each year as close holidays in the Civil Courts subordinate thereto.

(2) Such list shall be published in the official Gazette, and the said days shall be observed accordingly.

Pending proceedings.

71. *(1)* All cases or proceedings pending in any Civil Court on the first day of October, 1884, may be disposed of as if this Act had not been passed, unless the Chief Court directs (as it is hereby empowered to do) that such cases or proceedings shall be transferred for disposal to the Courts established under this Act which would have had jurisdiction if they had been in existence when such cases or proceedings were instituted.

(2) For the purposes of this section, all appeals in civil suits or proceedings pending on the said day shall—

(*a*) if preferred from the decrees, orders or decisions of Commissioners, Additional Commissioners or the Civil Judge of Peshawar be deemed to be appeals from the Divisional Court;

(*b*) if preferred from the decrees, orders or decisions of Deputy Commissioners or officers invested under section three of Act XIV of 1875 with the appellate powers of Deputy Commissioners, or with the full powers of an Assistant Commissioner, be deemed to be appeals from the Court of the Assistant Judge; and

(*c*) if preferred from the decrees, orders or decisions of Assistant Commissioners not invested with full powers, or with the appellate powers of Deputy Commissioners, or of Honorary Civil Judges not invested with the full powers of an Assistant Commissioner, or of Tahsíldárs or Náib Tahsíldárs, be deemed to be appeals from Subordinate Judges of the second, third or fourth class.

Explanation of sections 617 and 622, Civil Procedure Code.

72. For the purposes of sections 617 and 622 of XIV of 1882. the Civil Procedure Code, the decree of an Appellate Court subordinate to the Chief Court shall be deemed to be final when no certificate permitting a further appeal to the Chief Court under section 43 has been granted, and a case decided by an Appellate Court in which no such certificate has been granted shall be deemed to be a case in which no appeal lies to the Chief Court.

Amendment of the first schedule annexed to the Court-fees Act, 1870.

73. To the first schedule VII of 1870. annexed to the Court-fees Act, 1870, the following shall be added :—

NUMBER.		PROPER FEE.
8. Application to the Chief Court of the Panjáb for the exercise of its revisional jurisdiction under section 622 of the Code of Civil Procedure.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on memorandum of appeal.

The Panjáb Courts Bill, 1884.
(Chapter VII.—Miscellaneous and Supplementary Provisions.—Sections 74-75.)

Refund of fee paid on application for revision. XIV of 1882.

74. If the Chief Court, on an application under section 622 of the Civil Procedure Code, on which a fee has been paid under the last preceding section, sets aside or modifies the decree or order of a subordinate Court, or remands the case for a fresh decision, it may grant to the applicant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the application, or any smaller amount which, with regard to the circumstances of the case, it may think proper to order to be refunded.

Saving of certain appointments, rules and forms, notifications, powers and orders.

75. All appointments made under sections 5 and 22 of Act XVII of 1877, directions given under section 23, rules and forms prescribed under sections 26 and 27, and notifications published, powers conferred and orders issued under section 49, of the same Act, shall, so far as may be, be deemed to have been respectively made, given, prescribed, published, conferred and issued under this Act.

SCHEDULE.

ACTS REPEALED.

(*See section 2.*)

Number and year.	Title of Act.	Extent of repeal.
Act IV of 1869	The Indian Divorce Act.	So much of section 3 as defines "District Judge" in the Panjáb to mean the "Commissioner of a Division."
Act X of 1870	The Land Acquisition Act, 1870.	So much of section 3 as defines "Court" in the Panjáb to mean the "Commissioner of a Division."
Act XIV of 1875.	The Panjáb Judicial Administration Act, 1875.	So far as it relates to civil or criminal judicial powers.
Act XVII of 1877.	The Panjáb Courts' Act, 1877.	The whole.

STATEMENT OF OBJECTS AND REASONS.

AN essential portion of the scheme for the reorganization of the civil administration in the Panjáb, which has recently received the sanction of the Secretary of State for India, is to be found in the improvement of the judicial agency and the reform of the appellate system. The arrangements proposed for this purpose render necessary very large changes in the law under which the Panjáb Courts are now constituted (the Panjáb Courts Act, 1877), and the most convenient mode of giving effect to them appears to be to repeal that Act and re-enact its provisions with the necessary additions and modifications. This it is proposed to do by the present Bill.

2. The changes in the law which it is intended to make will now be noticed.

3. Chapter II deals with the constitution of the Courts. The present law confers the civil judicial powers of the Courts subordinate to the Chief Court upon the executive officers of Government from the Commissioner down to the Tahsíldár, though Act XIV of 1875 enables the Local Government to confer the powers of a Deputy Commissioner or of a Tahsíldár upon other persons, and under that Act civil judicial powers have been conferred upon a number of officers known as Judicial Assistants and Munsifs, whose functions are mainly, though not always exclusively, judicial. Similarly, the Civil and Sessions Judge of Peshawar and certain Additional Commissioners have been invested with the judicial powers of Commissioners under Act XVII of 1877. It is now proposed to relieve Commissioners and Deputy Commissioners, as a rule, of civil judicial functions, though they will continue to exercise jurisdiction in certain classes of cases which will be transferred from the Civil to the Revenue Courts, and they may also be invested with civil judicial powers where the judicial work is so light as not to require the creation of special Courts. Commissioners will likewise be, as a rule, relieved of the functions as Sessions Judges which now devolve upon them, but this can be done under the Criminal Procedure Code, without special legislation.

4. Special designations which do not imply the exercise of executive functions are accordingly given to the Courts subordinate to the Chief Court (section 4).

5. With a view to strengthen the Courts of appeal in order to admit of greater finality being given to appellate decisions, it is proposed that the Court immediately subordinate to the Chief Court should ordinarily consist of two Judges, and that, while one of these Judges may be enabled by rule to exercise certain of the powers of the Court, a single Judge should not have power in the exercise of his appellate jurisdiction to reverse any order other than an interlocutory order passed by any Court.

6. Power is also taken (in section 7) to appoint the Commissioner of a Division to be one of the Judges of a Divisional Court in addition to his other duties, as it is in contemplation to establish one of the Divisional Courts at Derá Ismaíl Khán, and only one Judge will be available for that Court unless the Commissioner of the Deráját Division is appointed as one of the Judges.

7. The appointment of Assistant Judges and Subordinate Judges of the first class by the Local Government, and of Subordinate Judges of the second, third and fourth classes, corre-

sponding to the present Munsifs, by the Chief Court, subject to rules to be made by the Local Government, is provided for by section 9. The Court of the Assistant Judge will replace the Court of the Deputy Commissioner or Judicial Assistant under the present law, and no provision has hitherto been made by law as to the authority by which Munsifs may be appointed or removed.

8. The other differences between Chapter II of the Bill and the corresponding chapter of Act XVII of 1877 follow upon those which have been already described.

9. The third chapter, which provides for the jurisdiction and powers of the Chief Court, only differs from the corresponding chapter of Act XVII of 1877 in that section 19, relating to the transfer of suits, is assimilated to section 25 of the Civil Procedure Code; section 21 is modified so as to enable the Chief Court to make rule for the exercise by one or more of the Judges of a Divisional Court of the powers of that Court, except as regards the reversal of decrees, sentences or decisions of any Court, to provide by rule for the constitution of a full bench of the Chief Court, and to delegate to one of its Judges the power of determining what Judges shall sit alone or as a bench of the Court, and power is also taken to enable a single Judge of the Chief Court or of a Divisional Court to reverse an interlocutory order; sections 31 and 32 replace the reference in section 29 of the present Act to sections 633 and 637 of the Civil Procedure Code, and add what is necessary of sections 638 and 639 of that Code; and section 33 provides for the delivery of the judgments of a bench of Judges by any Judge who was a member of that bench, in accordance with existing practice, and with the analogy of section 199 of the Civil Procedure Code.

10. Chapter IV relates to the jurisdiction and powers of Courts subordinate to the Chief Court. The Divisional Court is declared to be the principal Civil Court of original jurisdiction, but the Local Government is enabled to empower any Assistant Judge or Deputy Commissioner with the powers of an Assistant Judge to exercise any of the powers of a District Court, so as to obviate the inconvenience of unduly limiting the number of Courts which can exercise jurisdiction under certain laws, *e. g.*, Acts XL of 1858, XXVII of 1860 and IX of 1861.

11. While the jurisdiction of the Divisional Court and of the Court of the Assistant Judge is unlimited as respects the value or amount in litigation, thus corresponding with the jurisdiction now exercised by Commissioners and Deputy Commissioners, that of the Subordinate Judge of the first class is limited to Rs. 5,000 instead of Rs. 10,000, which is the limit of the present jurisdiction of an Assistant Commissioner with full powers, and that of other Subordinate Judges may extend either to Rs. 100, to Rs. 500 or to Rs. 1,000.

12. In section 41 power is taken to invest Assistant Judges or Subordinate Judges with the jurisdiction of a Small Cause Court Judge for the trial of suits cognizable by a Small Cause Court within certain limits of value or amount.

13. The other changes in Chapter IV are those which are rendered necessary by the alterations of the law already described.

14. Chapter V relates to appellate jurisdiction in civil cases. It embodies the modifications proposed in the appellate system with the view of restricting the right of appeal so far as it is considered that the improved organization of the Courts will admit of this. The second appeals allowed by the Code of Civil Procedure, and the further appeals allowed by the present Panjab Courts Act are abolished, and the decisions of appellate Courts are made final, except that the Judges of a Divisional Court are enabled, when they differ as to the judgment which should be passed, or when some question of law or custom or of general interest is involved, if they think the case of sufficient importance to justify further appeal, to grant a certificate permitting a further appeal to the Chief Court.

15. Appeals to Assistant Judges are confined to suits not above Rs. 500 in value, either of the Small Cause Court class or of any other class which the Chief Court, with the sanction of the Local Government, may determine to put upon the same footing, and appeals in suits above Rs. 5,000 in value, as well as appeals from decrees of the Divisional Court, will, when allowed by law, lie to the Chief Court, all other appeals allowed by law lying to the Divisional Court.

16. Section 47, relating to the transfer of appeals, has been modified to the same extent as section 19.

17. Chapter VI, which deals with Revenue Courts, is new, having been rendered necessary by the transfer of certain classes of suits enumerated in section 48 from the Civil to the Revenue Courts. It provides for the jurisdiction and powers of these Courts, for their procedure, for appeals from their decisions, for the revisional jurisdiction of the Financial Commissioner, Commissioner and Deputy Commissioner, and the controlling powers of the Financial Commissioner, Commissioner and Deputy Commissioner, respectively, for the transfer of suits and appeals, and for the distribution of business between Financial Commissioners when more than one such officer is appointed, the sanction which has been given by the Secretary of State to the appointment of a second Financial Commissioner rendering a provision of this nature necessary. Sections 64 and 65 correspond with sections 49 and 50 of the present Act, enabling the Local Government to confer judicial powers upon Settlement-officers, the only addition being that the officer may be so empowered either by name or in virtue of his office.

18. Chapter VII contains miscellaneous and supplementary provisions, some of which correspond with sections 46 to 48 of the present Act. Of the others, section 69 provides that any Judge of the Divisional Court shall be deemed to be the District Judge throughout its jurisdiction for the purposes of the Indian Divorce Act; section 70 provides for vacations; and section 71 for proceedings pending when this Bill becomes law; section 72 interprets certain expressions in sections 617 and 622 of the Civil Procedure Code so as to prevent doubt as to the cases in which the revisional jurisdiction of the Chief Court may be exercised; section 73 amends the Court-fees Act so that the fee leviable on a memorandum of appeal, when it exceeds the fee leviable on a petition to the Chief Court, may be charged on an application to it for the exercise of its revisional jurisdiction under section 622 of the Civil Procedure Code; and section 74 enables the Court in certain cases to grant a certificate authorizing the refund of the fee so charged.

The 25th June, 1884.

D. G. BARKLEY.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th July, 1884, and was referred to a Select Committee :—

No. 8 OF 1884.

THE KHOJÁ SUCCESSION BILL, 1884.

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SCHEDULE.—PORTIONS OF THE INDIAN SUCCESSION ACT (X OF 1865) MODIFIED FOR APPLICATION TO WILLS MADE BY KHOJÁS.

Explanation of abbreviation used in the margin.

"Bo. Bill" refers to the draft Bill prepared by the Commission and received with the letter from the Government of Bombay, No. 216, dated 14th January, 1880.

A Bill to amend and define the law of Testamentary and Intestate Succession to Khojás.

WHEREAS it is expedient to amend and define the law applicable to testamentary and intestate succession to Khojás; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Local extent.

1. This Act may be called the Khojá Succession Act, 1884; and it shall extend to the whole of British India.

[Bo. Bill, ss. 8-12.]

Application.

2. Except as provided by any other law for the time being in force, succession to the property, whether moveable or immoveable, in British India of a Khojá dying on or after the first day of January eighteen hundred and eighty-five shall be regulated by the rules contained in this Act, wherever he may have had his domicile at the time of his death.

[Act X of 1865, s. 5.]

Explanation.—Property in British India includes obligations enforceable there.

[Act X of 1865, s. 33.]

Definitions.

3. (*1*) In this Act, unless there is something repugnant in the subject or context,—

[Bo. Bill, s. 3.]

"son" means a legitimate son, and does not include an adopted son:

"grandson" means a son's son:

"great-grandson" means a grandson's son:

"daughter" means a legitimate daughter:

"father" and "mother" do not include step-father and step-mother:

"grandfather" and "grandmother" do not include a father's step-father or step-mother:

"brother" and "sister" do not include step-brother and step-sister, nor half-brother and half-sister:

"half-brother" means son of the same father but by another wife:

"lineal male descendant," used with reference to any person, means a male descended from that person through males only:

[New.]

"degree" means a degree of kindred computed according to the rules laid down in sections 21, 22 and 24 of the Indian Succession Act, 1865, and the table of consanguinity thereto annexed:

X of 1865. [Home Dept. Office Memo. dated 12th August, 1865, para. 7.]

"undivided property" means a share in the property belonging to an undivided family:

"restricted owner," used with reference to any property, means a female acquiring that property in the manner specified in section 21, section 23, sub-section (2), section 24, sub-section (1), section 27 and section 39.

[New.]

(2) When it is provided in this Act that the members of any class shall take property and the shares which they are respectively to take therein are not specified, they shall take equal shares therein.

No distinction between ancestral and self-acquired, nor between moveable and immoveable, property. Child in womb.

4. For the purposes of this Act there shall be no distinction between ancestral and self-acquired property, nor between moveable and immoveable property, nor between those born in the lifetime of a deceased owner of property and those who at the date of his death were only conceived in the womb, but who have been subsequently born alive.

[Bo. Bill, s. 7.]

[Act X of 1865, s. 26.]

The Khojá Succession Bill, 1884.
(Chapter II.—Of Succession to the Undivided Property of a Male Khojá dying intestate.—Sections 5-6.)
(Chapter III.—Of Succession to the Separate Property of a Male Khojá dying intestate.—Sections 7-20.)

CHAPTER II.

OF SUCCESSION TO THE UNDIVIDED PROPERTY OF A MALE KHOJÁ DYING INTESTATE.

Where there are lineal male descendants within fourth degree.

5. (*1*) When a male Khojá owning undivided property dies intestate in respect of that property, leaving legitimate lineal male descendants not more remote than the fourth degree, every such descendant shall be entitled to a share in that property unless one of the persons through whom he is descended from the intestate is living.

(*2*) When the sharers under sub-section (1) all stand in the same degree of kindred to the intestate, their shares shall be equal.

(*3*) When the sharers under sub-section (1) do not all stand in the same degree of kindred to the intestate, the property shall be divided into such a number of equal shares as will correspond with the number of the sharers who stood in the nearest degree of kindred to him at his decease, and of his lineal male descendants of the like degree of kindred who died before him, and through whom the other sharers are descended from him; and one such share shall be allotted to each of the sharers who stood in the nearest degree of kindred to the intestate at his decease; and one such share shall be allotted in respect of each such deceased male descendant; and the share allotted in respect of each such deceased male descendant shall be divided among the sharers descended through him, in such manner that the sons of any person shall always take that which their father would have been entitled to if he had survived the intestate.

[Bo. Bill, s. 13.]

Where there are no lineal male descendants within fourth degree.

6. In default of legitimate lineal male descendants as aforesaid, the property of the intestate shall be divided equally among all the male members of his undivided family living at his death.

CHAPTER III.

OF SUCCESSION TO THE SEPARATE PROPERTY OF A MALE KHOJÁ DYING INTESTATE.

[Bo. Bill, s. 16.]

Where there are lineal male descendants within fourth degree.

7. When a male Khojá owning property, not being undivided property, dies intestate in respect of that property, leaving legitimate lineal male descendants not more remote than the fourth degree, the property shall descend in the manner provided in section 5.

[Bo. Bill, s. 17.]

In default of such lineal male descendants, property to belong to the intestate's father.

8. In default of legitimate lineal male descendants as aforesaid, the intestate's father shall succeed to the property.

[Bo. Bill, s. 18.]

In default of the father, to the mother.

9. In default of the father, the intestate's mother shall succeed to the property.

[Bo. Bill, s. 19, see *infra*, s. 34.]

In default of the mother, to the widows.

10. In default of the mother, the widow or widows of the intestate shall succeed to the property.

[Bo. Bill, s. 20.]

In default of widows, to the daughters.

11. In default of widows, the daughters of the intestate shall succeed to the property.

[Bo. Bill, s. 21.]

In default of daughters, to daughters' sons and to brothers.

12. (*1*) In default of daughters, the sons of daughters shall succeed to the property, the sons of each daughter taking an equal share:

Provided that, if the intestate has left brothers surviving him, the daughters' sons shall succeed to a moiety of the property, the sons of each daughter taking an equal share, and the brothers shall take the other moiety.

(*2*) In default of daughters' sons, the brothers shall take the whole of the property.

[Bo. Bill, s. 22.]

In default of brothers, to sons' daughters.

13. In default of brothers, the daughters of the intestate's sons shall succeed to the property, the daughters of each son taking an equal share.

[Bo. Bill, s. 23.]

In default of sons' daughters, to brothers' sons.

14. In default of sons' daughters, the sons of the intestate's brothers shall succeed to the property, the sons of each brother taking an equal share.

[Bo. Bill, s. 24.]

In default of brothers' sons, to half-brothers.

15. In default of brothers' sons, the half-brothers of the intestate shall succeed to the property.

[Bo. Bill, s. 25.]

In default of half-brothers, to half-brothers' sons.

16. In default of half-brothers, the sons of half-brothers shall succeed to the property, the sons of each half-brother taking an equal share.

[Bo. Bill, s. 26.]

In default of half-brothers' sons, to the grandfather; and in default of the grandfather, to the grandmother.

17. In default of sons of half-brothers, the paternal grandfather shall succeed to the property; and in default of the paternal grandfather, the paternal grandmother shall succeed to it.

[Bo. Bill, s. 27.]

In default of the grandmother, to paternal uncles.

18. In default of the paternal grandmother, the paternal uncles shall succeed to the property.

[Bo. Bill, s. 28.]

In default of paternal uncles, to sisters.

19. In default of paternal uncles, the sisters of the intestate shall succeed to the property.

[Bo. Bill, s. 29.]

In default of sisters, to the nearest of kin.

20. In default of sisters, the property shall belong to those of the intestate's relatives on the father's side who stand in the nearest degree of kindred to the intestate; and, in default of relatives on the father's side, to those of the intestate's relatives on the mother's side who stand in the nearest degree of kindred to the intestate:

Provided that no female relative shall be entitled to share in the property if there is a male relative standing on the same side in the same degree of kindred to the intestate.

The Khojá Succession Bill, 1884.

(Chapter IV.—Of Succession to the Absolute Property of a Female Khojá dying intestate.—Sections 23-27:)

(Chapter V.—Of Property which a Female takes as Restricted Owner, and the further Succession to the same.—Section 28.)

[Bo. Bill, s. 33. See *sec.* 48, *infra.*]

When female takes as restricted owner under foregoing sections.

21. If, at the death of the intestate, any of the male heirs mentioned in sections 7 to 18 (both inclusive), or any male relative of the intestate on the father's side not more remote than the seventh degree of kindred to the intestate, is living, a female succeeding under any of the foregoing sections shall take the property as restricted owner.

[Bo. Bill, s. 30.]

Widow's right to retain possession of ornaments.

22. When a male Khojá dies intestate in respect of any ornaments belonging to him, and not being undivided property, which are in the possession of his wife with his consent, and the wife does not acquire the ownership, whether absolute or restricted, of the ornaments under this Act, she shall be entitled to retain possession of them until she dies or re-marries.

CHAPTER IV.

OF SUCCESSION TO THE ABSOLUTE PROPERTY OF A FEMALE KHOJÁ DYING INTESTATE.

[Bo. Bill, s. 38.]

Descent of unmarried female's absolute property.

23. (*1*) When an unmarried female Khojá owning property otherwise than as a restricted owner dies intestate in respect of that property, it shall belong to her brothers; in default of brothers, to her father; in default of the father, to her mother; in default of the mother, to the relatives of the intestate on the father's side who stand in the nearest degree of kindred to the intestate; and, in default of such relatives, to the relatives on the mother's side who stand in the nearest degree of kindred to the intestate.

[Bo. Bill, ss. 32 & 33.]

(*2*) If at the death of the intestate any male relative of the intestate on the father's side not more remote than the seventh degree of kindred to the intestate is living, a female succeeding under this section, whether in preference to or together with that male relative, shall take the property as restricted owner.

[Bo. Bill, s. 40.]

Descent of married female's absolute property.

24. (*1*) When a married female Khojá owning property otherwise than as restricted owner dies intestate in respect of that property, it shall belong to her sons and daughters; [Bo. Bill, s. 32.] and the daughters shall take it as restricted owners.

(*2*) In default of sons and daughters, the property shall, except as provided in sub-section (*3*), belong to her husband.

(*3*) If the property has been given to the female on the occasion of her marriage separately from the "Dej" for her sole use and benefit by her parents or relatives, it shall, in default of sons and daughters, belong—

(*a*) to her father; and

(*b*) in default of the father, to the person to whom it would then have belonged if it had been the property of the father at his death and had descended without having been alienated.

(*4*) A female taking property under clause (*b*) of sub-section (*3*) shall not take it as restricted owner.

[Bo. Bill, s. 37.]

Descent of absolute property of widow or divorced female leaving lineal descendants within the fourth degree.

25. (*1*) When a female Khojá, being a widow or divorced and owning property otherwise than as restricted owner, dies intestate in respect of that property, leaving legitimate lineal descendants not more remote than the fourth degree, every such descendant shall be entitled to a share of the property unless one of the persons through whom he is descended from the intestate is living.

(*2*) When the sharers under sub-section (1) all stand in the same degree of kindred to the intestate, their shares shall be equal.

[Act X of 1865, s. 33.]

(*3*) When the sharers under sub-section (1) do not all stand in the same degree of kindred to the intestate, the property shall be divided into such a number of equal shares as may correspond with the number of the sharers who stood in the nearest degree of kindred to her at her decease, and of lineal descendants of the like degree of kindred who died before her and through whom the other sharers are descended from her; and one such share shall be allotted to each of the sharers who stood in the nearest degree of kindred to the intestate at her decease; and one such share shall be allotted in respect of each such deceased descendant; and the share allotted in respect of each such deceased descendant shall be divided among the sharers descended through him, in such manner that the children of any person shall always take what that person would have been entitled to if he had survived the intestate.

[Bo. Bill, s. 37.]

Where there are no such lineal descendants.

26. (*1*) In default of the descendants mentioned in section 25, the property shall belong to the brothers of the intestate; in default of brothers, to her father; in default of the father, to her mother.

(*2*) In default of the mother, the property shall belong to the relatives of the intestate on the father's side who stand in the nearest degree of kindred, and, in default of such relatives, to the relatives of the intestate on the mother's side who stand in the nearest degree of kindred.

[Bo. Bill, s. 32.]

When female taking under section 25 or 26 takes as restricted owner.

27. If, at the death of the intestate, any of the male heirs mentioned in section 25 and the first sub-section of section 26, or any male relative of the intestate on the father's side not more remote than the seventh degree of kindred to the intestate, is living, a female succeeding under section 25 or section 26, whether in preference to or together with that heir or relative, shall take the property as restricted owner.

CHAPTER V.

OF PROPERTY WHICH A FEMALE TAKES AS RESTRICTED OWNER, AND THE FURTHER SUCCESSION TO THE SAME.

[Bo. Bill, s. 3; "life-estate," "stridhan."]

Nature of restricted ownership generally.

28. A female taking property as restricted owner shall be absolutely entitled to the use of, and the income accruing from, that property during her life, and, except as otherwise provided by this Act, shall have all the other rights and powers of an absolute owner in respect of that property.

The Khojá Succession Bill, 1884.

(Chapter V.—Of Property which a Female takes as Restricted Owner, and the further Succession to the same.—Sections 29-36.)

[Bo. Bill, s. 3; "life-estate."]

Powers of alienation limited.

29. Except as provided by section 31, no right to, over or in respect of property created by a restricted owner of that property shall have effect for any time beyond her life:

[New.]

Provided that nothing in this section shall affect a lease granted at a fair rent for a term not exceeding twenty years, and without payment of any fine or premium, or a right created for consideration in favour of a person acting in good faith, and without notice of the ownership being restricted.

[Act II of 1882, s. 3.]

Explanation.—A person has notice of the ownership being restricted when he actually knows that it is restricted, or when, but for wilful abstention from enquiry or gross negligence, he would have known it, or when information of it is given to, or obtained by, his agent under the circumstances mentioned in the Indian Contract Act, 1872, section 229.

IX of 1872.

Obligations of restricted owner.

30. A female taking property as restricted owner shall be bound, so far as it is possible for her to do so without applying her other property for that purpose,—

(*a*) to preserve the substance of the property without any material alteration, deterioration or diminution except such as may be essential to the realization of the full income of it in a reasonable manner, and to deal with it in all respects as carefully as a person of ordinary prudence would deal with property which he hoped to transmit in good condition to his heirs; and

[Act II of 1882, s. 13.]

(*b*) to make such payments, institute, maintain and defend such suits and other proceedings, and take such other steps as, regard being had to the nature and amount or value of the property, may be reasonably requisite for the assertion and protection of the title thereto, for the protection of the interest of those who are to take it after her, or for the recovery of any portion of it which is not in her possession.

[Bo. Bill, s. 3; "life-estate."]

Restricted owner's power of transfer.

31. A female taking property as restricted owner shall have power to transfer the same, so that the transfer may have effect beyond her life when, the income being insufficient, such transfer is necessary in order to raise money for any of the following purposes, namely:—

(*a*) to discharge any of the obligations imposed by section 30;

(*b*) to discharge the debts of the absolute owner from whom the property descended;

(*c*) to provide for the maintenance of any persons entitled under this Act to have their maintenance provided for out of the property, for the payment of any marriage expenses or funeral expenses payable under this Act out of the property, and for the performance of any ordinary family ceremonies; and

(*d*) to support herself where she has no other sufficient means of support.

[New]. [Act II of 1882, s. 34.]

Power to apply to Court to sanction a transfer under section 31.

32. (*1*) A restricted owner of property may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction to sanction any transfer of that property which she proposes to make under section 31.

(*2*) The petition must state the names of all the persons interested in the application so far as they can be ascertained, and must be verified by the applicant or by some other competent person in the manner required by law for the verification of plaints; and, if it contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, that person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code. XLV of 1860.

(*3*) A copy of the petition shall be served upon, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

(*4*) A transfer made with the sanction of a Court obtained under this section shall be deemed to be warranted by section 31.

[New].

Power to direct money raised to be paid into Court.

33. A Court dealing with an application under section 32 may, if it thinks fit, sanction the transfer proposed subject to the condition that the money raised by the transfer shall be paid into Court or to trustees apppointed by the Court, and may give such further directions as it thinks fit with a view to ensuring that the money shall be applied to the purpose for which it is raised, or that any balance thereof which is not required for that purpose, shall be secured for the benefit of those who would take the property after the restricted owner.

Effect of sale in execution against restricted owner.

34. When property belonging to a female as restricted owner is sold in execution of a decree passed against her, the interest taken by the purchaser shall cease on her death,—

except when, without any collusion between her and the plaintiff,—

(*a*) the decree is passed against her as representative of the absolute owner from whom the property descended; or

(*b*) the decree is one for sale passed on a mortgage made under section 31 so as to take effect beyond the life of the female.

Effect of decision or compromise to which the restricted owner is a party.

35. A decision in any suit or other proceeding, or a compromise of any dispute, relating to the property to which the restricted owner is a party, shall, except where she acts in collusion with the party opposed to her, bind those who take the property after her under this Act in the same manner and to the same extent as if she were an absolute owner of the property.

Effect of lapse of time during continuance of restricted ownership.

36. In any case in which, under any enactment for the time being in force, an owner of property would by lapse of time lose any right to, over or in respect of that property, or any means of enforcing any such right, or another person would by lapse of time acquire any right to, over or in respect of that property, any period which elapses during the continuance of the restricted ownership shall be reckoned as against those taking the property after the termination of that ownership in the same manner and to the same extent as if the restricted owner had been an absolute

The Khojá Succession Bill, 1884.

(Chapter VI.—Of Wills of Khojás.—Sections 42-43.)

owner of the property and it had been taken by them as her heirs.

[Bo. Bill, s. 39.] **37.** (*1*) When property has descended to a female as restricted owner and she dies unmarried, it shall belong to the person to whom it would then have belonged if she had died before the absolute owner from whom it descended and it had descended under this Act without having been alienated.

Further descent of property held by unmarried female as restricted owner.

(*2*) In default of such person, the property shall descend as if the female were not a restricted owner.

[Bo. Bill, s. 41.] **38.** (*1*) When property has descended to a female as restricted owner and she dies, being at the time of her death married, a widow or divorced from her husband, the property shall be divided among her legitimate lineal male descendants, not being more remote than the fourth degree, those nearest in degree of kindred to her excluding the more remote, and, when those nearest in degree are not her sons, the property being so divided amongst them that the sons of any person shall take the share which he would have taken if the fathers of all had survived the restricted owner.

Further descent of restricted property of married or divorced female or widow.

(*2*) In default of legitimate lineal male descendants as aforesaid, the property shall belong to the daughters of the deceased; in default of daughters, the property shall belong to the legitimate lineal male descendants of daughters, not being more remote from the deceased than the fourth degree, those nearest in degree excluding the more remote; the descendants of each daughter, when they take, taking an equal share, and when they are not sons of the daughters, that share being so divided among them that the sons of any person shall take what he would have taken if the fathers of all had survived the restricted owner.

(*3*) In default of legitimate lineal male descendants of daughters as aforesaid, the property shall belong to the person to whom it would then have belonged if the restricted owner had died before the absolute owner from whom it descended, and it had descended under this Act without having been alienated.

(*4*) In default of such person, the property shall descend as if the female were not a restricted owner.

[Bo. Bill, s. 32.] **39.** When property, having descended to a female as restricted owner, subsequently descends to another female under section 37, sub-section (1), or section 38, sub-section (3), that female shall take it as restricted owner.

When female taking property under sections 37 and 38 takes as restricted owner.

[Bo. Bill, s. 19.] **40.** Notwithstanding anything in the foregoing sections, when two or more widows of a deceased Khojá take his property under this Act as restricted owners,—

Widows taking together as restricted owners to have a right of survivorship.

(1) there shall be as between them a right of survivorship in respect of that property;

(2) the proviso to section 29 shall not apply to any lease of or any right to, over or in respect of the property, or any part or share thereof, granted or created by one or more of them without the consent in writing of the other or others of them then surviving;

(3) section 31 and section 32 shall not apply to any transfer made by one or more of them without the consent in writing of the other or others of them then surviving;

(4) section 35 shall not apply to any decision in any suit or proceeding or to any compromise unless all of them then surviving are parties to that suit, proceeding or compromise.

[Bo. Bill, s. 34; Act XV of 1856, s. 2.] **41.** Notwithstanding anything in the foregoing sections, a widow marrying again after her husband's death shall not be entitled to take as restricted owner his property or any property of any of his lineal descendants which has descended to them from him; and a widow taking any such property as restricted owner under the foregoing sections and subsequently marrying again shall, for the purpose of applying sections 28, 29, 31, 38 and 10, to that property, be deemed to have died.

Effect of re-marriage of widow claiming or holding as restricted owner.

CHAPTER VI.

OF WILLS OF KHOJÁS.

[Bo. Bill, ss. 4, 5 & 6.] **42.** Subject to the provisions of this Act, the portions of the Indian Succession Act, 1865, set forth in the schedule hereto annexed, with the modifications shown in that schedule, shall, notwithstanding anything contained in section 331 of that Act, apply to all wills made by a Khojá, whether male or female, dying on or after the first day of January eighteen hundred and eighty-five; and

Act X of 1865.

Extension of portions of Act X of 1865 with certain modifications to wills of Khojás.

in the portions of the Act so applying all words defined in section 3 of the Act shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as that section has attached to them respectively;

Provided that—

(*a*) For the purpose of the portions of the Act so applying, no person to whom the Indian Majority Act, 1875, applies shall be deemed to have attained his majority before the time specified in this behalf in that Act.

IX of 1875.

(*b*) A bequest by a Khojá in favour of any person who has not come into existence at the death of the testator, or in favour of a class of persons any one of whom has not come into existence at that time, shall be void.

(*c*) When a bequest is void under clause (*b*), any bequest contained in the same will and intended to take effect after or upon failure of such prior bequest shall also be void.

[Act IV of 1882, s. 10.] **43.** Notwithstanding anything contained in the foregoing sections, a Khojá may bequeath property to or for the benefit of a woman so that she shall not have power to transfer or charge the same or her beneficial interest therein.

Bequest of property to woman without power to transfer or charge.

The Khojá Succession Bill, 1884.

(Chapter VII.—Of Maintenance and Marriage and Funeral Expenses.—Secs. 44-47.)

(Chapter VIII.—Miscellaneous.—Sections 48-51.)

CHAPTER VII.

OF MAINTENANCE AND MARRIAGE AND FUNERAL EXPENSES.

[Bo. Bill, ss. 34 & 43.] **44.** (*1*) The amount requisite for the maintenance of the following persons and the amount of their necessary funeral expenses shall, if they do not possess or leave means sufficient for the purpose, be payable out of any property of a deceased male Khojá in respect of which he has died intestate.

Maintenance and funeral expenses payable out of intestate's property.

(*2*) The persons referred to are—

(*a*) the widow or widows of the deceased Khojá and the widows of his legitimate lineal male descendants, provided they have not married again;

(*b*) every daughter and sister (whether legitimate or not) of the deceased Khojá, and every legitimate daughter of his son, grandson or great-grandson, except when she has been married and her husband is living;

(*c*) the father, mother, grandfather and grandmother of the deceased Khojá; and

(*d*) his illegitimate sons until they attain their majority.

[Bo. Bill, s. 44.] **45.** The expenses of the first or only marriage of every daughter (whether legitimate or not) of a deceased male Khojá, and of every legitimate daughter of his deceased son, grandson or great-grandson, if not otherwise sufficiently provided for, shall be payable out of any of his property in respect of which he has died intestate.

Marriage expenses payable out of intestate's property.

[Bo. Bill, s. 45.] **46.** If a male Khojá dies leaving a legitimate lineal male descendant who has not attained his majority, or a daughter who is unmarried or a widow, and having disposed of his property by will in such a manner as to leave that descendant, daughter or widow without sufficient means for the purpose, the amount requisite for the maintenance, of the descendant during his minority, or of the daughter while she remains unmarried or of the widow until her death or re-marriage (as the case may be) shall be payable out of the testator's property; and if the descendant dies before he attains his majority or the daughter dies unmarried or the widow dies without re-marrying, his or her necessary funeral expenses shall be payable out of that property.

Maintenance and funeral expenses payable out of property of testator.

[New.] **47.** Any sum claimable for maintenance or marriage expenses or funeral expenses under section 44, section 45 or section 46 out of any property of a deceased male Khojá shall be recoverable as if it was due under a contract made by the Khojá in his lifetime and he had died leaving only that property:

Recovery of sums claimable under sections 44, 45 and 46.

Provided that—

first, the property shall be applied to the payment of debts due by the deceased before being applied to the payment of sums so claimable;

secondly, no decree shall be passed for arrears of any allowance on account of maintenance unless the amount of the allowance has been fixed by agreement or by order of a Court; and

thirdly, when a suit is instituted for the purpose of having any such allowance fixed against a person taking the property by intestate succession, and that person is able and willing to maintain or provide for the maintenance of the person by or on whose behalf the suit is instituted, and gives security to the satisfaction of the Court for his so doing, the Court may, if it thinks fit, dismiss the suit.

CHAPTER VIII.

MISCELLANEOUS.

[Bo. Bill, s. 42. Act X of 1865, s. 28.] **48.** When a Khojá dies intestate in respect of any of his property, and there is no person entitled to take that property under the foregoing sections, it shall go to the Crown.

Property when to go to the Crown.

49. Except as otherwise provided by this Act—

Females succeeding under this Act to take as males, except in certain cases.

(*1*) a female taking property by intestate succession under this Act shall have the same interest in it, and the same powers in respect of it, as if she were a male; and

(*2*) a female taking property under any testamentary disposition under this Act shall have the same interest in it, and the same powers in respect of it, as a male taking under a like disposition.

[Bo. Bill, s. 35. Act XV of 1856, s. 3.] **50.** If a widow of a deceased Khojá, not having been appointed by his will to be guardian for his children, marries again, she shall not be entitled as of right to be appointed guardian of the children by a Court under any law for the time being in force relating to the appointment of guardians, and, when she has before her re-marriage been so appointed, a Court having jurisdiction to appoint a guardian for the children may in its discretion remove her from the guardianship.

Guardianship of children where widow re-marries.

51. A Khojá may dispose, by gift made in contemplation of death, of any moveable property which he could dispose of by will.

Property transferable by gift made in contemplation of death.

A gift is said to be made in contemplation of death where a person who is ill and expects to die shortly of his illness delivers to another the possession of any moveable property to keep as a gift in case the donor shall die of that illness.

When gift said to be made in contemplation of death.

Such a gift may be resumed by the giver.

Such gift resumable.

It does not take effect if he recovers from the illness during which it was made, nor if he survives the person to whom it was made.

When it fails.

Illustrations.

(*a.*) A being ill, and in expectation of death, delivers to B, to be retained by him in case of A's death—

a watch:

a bond granted by C to A:

a bank-note:

a promissory note of the Government of India endorsed in blank:

a bill of exchange endorsed in blank:

certain mortgage-deeds.

A dies of the illness during which he delivered these articles.

B is entitled to—

the watch:

the debt secured by C's bond:

the bank-note:

the promissory note of the Government of India:

the bill of exchange:

the money secured by the mortgage-deeds.

(*b.*) A being ill, and in expectation of death, delivers to B the key of a trunk, or the key of a warehouse in which goods of bulk belonging to A are deposited, with the intention of giving him the control over the contents of the trunk, or over the deposited goods, and desires him to keep them in case of A's death. A dies of the illness during which he delivered these articles. B is entitled to the trunk and its contents, or to A's goods of bulk in the warehouse.

(*c.*) A being ill, and in expectation of death, puts aside certain articles in separate parcels, and marks upon the parcels respectively the names of B and C. The parcels are not delivered during the life of A. A dies of the illness during which he set aside the parcels. B and C are not entitled to the contents of the parcels.

SCHEDULE.

(*See Section 42.*)

PORTIONS OF THE INDIAN SUCCESSION ACT (X OF 1865) MODIFIED FOR APPLICATION TO WILLS MADE BY KHOJÁS.

Note.—Modifications are shewn in italics; omissions by asterisks.

PART VII.

Of Wills and Codicils.

Persons capable of making wills.

46. Every person of sound mind and not a minor may dispose of his property by will.

Explanation 1.—A married woman may dispose by will of any property which she could alienate by her own act during her life.

Explanation 2.—Persons who are deaf, or dumb, or blind are not thereby incapacitated for making a will if they are able to know what they do by it.

Explanation 3.—One who is ordinarily insane may make a will during an interval in which he is of sound mind.

Explanation 4.—No person can make a will while he is in such a state of mind, whether arising from drunkenness, or from illness, or from any other cause, that he does not know what he is doing.

Illustrations.

(*a.*) A can perceive what is going on in his immediate neighbourhood, and can answer familiar questions, but has not a competent understanding as to the nature of his property, or the persons who are of kindred to him, or in whose favour it would be proper that he should make his will. A cannot make a valid will.

(*b.*) A executes an instrument purporting to be his will, but he does not understand the nature of the instrument nor the effect of its provisions. This instrument is not a valid will.

(*c.*) A, being very feeble and debilitated, but capable of exercising a judgment as to the proper mode of disposing of his property, makes a will. This is a valid will.

Testamentary guardian.

47. A father, whatever his age may be, may by will appoint a guardian or guardians for his child during minority.

Will obtained by fraud, coercion or importunity.

48. A will or any part of a will, the making of which has been caused by fraud or coercion, or by such importunity as takes away the free agency of the testator, is void.

Illustrations.

(*a.*) A falsely and knowingly represents to the testator that the testator's only child is dead, or that he has done some undutiful act, and thereby induces the testator to make a will in his, A's, favour; such will has been obtained by fraud and is invalid.

(*b.*) A by fraud and deception prevails upon the testator to bequeath a legacy to him. The bequest is void.

(*c.*) A, being a prisoner by lawful authority, makes his will. The will is not invalid by reason of the imprisonment.

(*d.*) A threatens to shoot B, or to burn his house, or to cause him to be arrested on a criminal charge, unless he makes a bequest in favour of C. B in consequence makes a bequest in favour of C. The bequest is void, the making of it having been caused by coercion.

(*e.*) A being of sufficient intellect, if undisturbed by the influence of others, to make a will, yet being so much under the control of B that he is not a free agent, makes a will dictated by B. It appears that he would not have executed the will but for fear of B. The will is invalid.

(*f.*) A, being in so feeble a state of health as to be unable to resist importunity, is pressed by B to make a will of a certain purport, and does so merely to purchase peace, and in submission to B. The will is invalid.

(*g.*) A being in such a state of health as to be capable of exercising his own judgment and volition, B uses urgent intercession and persuasion with him to induce him to make a will of a certain purport. A, in consequence of the intercession and persuasion, but in the free exercise of his judgment and volition, makes his will in the manner recommended by B. The will is not rendered invalid by the intercession and persuasion of B.

(*h.*) A, with a view to obtaining a legacy from B, pays him attention and flatters him, and thereby produces in him a capricious partiality to A. B, in consequence of such attention and flattery, makes his will, by which he leaves a legacy to A. The bequest is not rendered invalid by the attention and flattery of A.

Will may be revoked or altered.

49. A will is liable to be revoked or altered by the maker of it at any time when he is competent to dispose of his property by will.

PART VIII.

Of the Execution of Unprivileged Wills.

Execution of unprivileged wills.

50. Every testator, not being a soldier employed in an expedition, or engaged in actual warfare, or a mariner at sea, must execute his will according to the following rules:—

First.—The testator shall sign or shall affix his mark to the will, or it shall be signed by some other person in his presence and by his direction.

Second.—The signature or mark of the testator, or the signature of the person signing for him, shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a will.

Third.—The will shall be attested by two or more witnesses, each of whom must have seen the testator sign or affix his mark to the will, or have seen some other person sign the will in the presence and by the direction of the testator, or have received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person; and each of the witnesses must sign *or affix his mark to* the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.

Incorporation of papers by reference.

51. If a testator, in a will or codicil duly attested, refers to any other document then actually written, as expressing any part of his intentions, such document shall be considered as forming a part of the will or codicil in which it is referred to.

PART IX.

Of Privileged Wills.

Privileged wills.

52. Any soldier being employed in an expedition, or engaged in actual warfare, or any mariner being at sea, may, if he has completed the age of eighteen years, dispose of his property by a will made as is mentioned in the fifty-third section. Such wills are called privileged wills.

Illustrations.

(*a.*) A, the surgeon of a regiment, is actually employed in an expedition. He is a soldier actually employed in an expedition, and can make a privileged will.

(*b.*) A is at sea in a merchant-ship, of which he is the purser. He is a mariner, and being at sea can make a privileged will.

(*c.*) A, a soldier serving in the field against insurgents, is a soldier engaged in actual warfare, and as such can make a privileged will.

(*d.*) A, a mariner of a ship in the course of a voyage, is temporarily on shore, while she is lying in harbour. He is, in the sense of the words used in this clause, a mariner at sea, and can make a privileged will.

(*e.*) A, an admiral who commands a naval force, but who lives on shore, and only occasionally goes on board his ship, is not considered as at sea, and cannot make a privileged will.

(*f.*) A, a mariner serving on a military expedition, but not being at sea, is considered as a soldier, and can make a privileged will.

Mode of making, and rules for executing, privileged wills.

53. Privileged wills may be in writing, or may be made by word of mouth.

The execution of them shall be governed by the following rules:—

First.—The will may be written wholly by the testator, with his own hand. In such case it need not be signed nor attested.

Second.—It may be written wholly or in part by another person, and signed by the testator. In such case it need not be attested.

Third.—If the instrument purporting to be a will is written wholly or in part by another person, and is not signed by the testator, it shall be considered to be his will, if it be shown that it was written by the testator's directions, or that he recognized it as his will.

If it appear on the face of the instrument that the execution of it in the manner intended by him was not completed, the instrument shall not by reason of that circumstance be invalid, provided that his non-execution of it can be reasonably ascribed to some cause other than the abandonment of the testamentary intentions expressed in the instrument.

Fourth.—If the soldier or mariner shall have written instructions for the preparation of his will, but shall have died before it could be prepared and executed, such instructions shall be considered to constitute his will.

Fifth.—If the soldier or mariner shall, in the presence of two witnesses, have given verbal instructions for the preparation of his will, and they shall have been reduced into writing in his lifetime, but he shall have died before the instrument could be prepared and executed, such instructions shall be considered to constitute his will, although they may not have been reduced into writing in his presence, nor read over to him.

Sixth.—Such soldier or mariner as aforesaid may make a will by word of mouth by declaring his intentions before two witnesses present at the same time.

Seventh.—A will made by word of mouth shall be null at the expiration of one month after the testator shall have ceased to be entitled to make a privileged will.

PART X.

Of the Attestation, Revocation, Alteration and Revival of Wills.

* * * * * * * * *

Witness not disqualified by interest or by being executor.

55. No person, by reason of interest in, or of his being an executor of, a will, is disqualified as a witness to prove the execution of the will or to prove the validity or invalidity thereof.

* * * * * * * * *

Revocation of unprivileged will or codicil.

57. No unprivileged will or codicil, nor any part thereof, shall be revoked otherwise than * * * * * by another will or codicil, or by some writing declaring an intention to revoke the same, and executed in the manner in which an unprivileged will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Illustrations.

(*a.*) A has made an unprivileged will. Afterwards A makes another unprivileged will which purports to revoke the first. This is a revocation.

(*b.*) A has made an unprivileged will. Afterwards, A being entitled to make a privileged will, makes a privileged will which purports to revoke his unprivileged will. This is a revocation.

Effect of obliteration, interlineation or alteration in unprivileged will.

58. No obliteration, interlineation or other alteration made in any unprivileged will after the execution thereof shall have any effect, except so far as the words or meaning of the will shall have been thereby rendered illegible or undiscernible, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; save that the will,

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

as so altered, shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will.

Revocation of privileged will or codicil.

59. A privileged will or codicil may be revoked by the testator, by an unprivileged will or codicil, or by any act expressing an intention to revoke it, and accompanied with such formalities as would be sufficient to give validity to a privileged will, or by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Explanation.—In order to the revocation of a privileged will or codicil by an act accompanied with such formalities as would be sufficient to give validity to a privileged will, it is not necessary that the testator should at the time of doing that act be in a situation which entitles him to make a privileged will.

Revival of unprivileged will.

60. No unprivileged will or codicil, nor any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required, and showing an intention to revive the same;

Extent of revival of will or codicil partly revoked and afterwards wholly revoked.

and when any will or codicil which shall be partly revoked and afterwards wholly revoked shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown by the will or codicil.

PART XI.

Of the Construction of Wills.

Wording of will.

61. It is not necessary that any technical words or terms of art shall be used in a will, but only that the wording shall be such that the intentions of the testator can be known therefrom.

Enquiries to determine questions as to object or subject of will.

62. For the purpose of determining questions as to what person or what property is denoted by any words used in a will, a Court must inquire into every material fact relating to the persons who claim to be interested under such will, the property which is claimed as the subject of disposition, the circumstances of the testator and of his family, and into every fact a knowledge of which may conduce to the right application of the words which the testator has used.

Illustrations.

(*a.*) A, by his will, bequeaths 1,000 rupees to his eldest son or to his youngest grandchild, or to his cousin Mary. A Court may make inquiry in order to ascertain to what person the description in the will applies.

(*b.*) A, by his will, leaves to B "his estate called Black Acre." It may be necessary to take evidence in order to ascertain what is the subject-matter of the bequest; that is to say, what estate of the testator's is called Black Acre.

(*c.*) A, by his will, leaves to B "the estate which he purchased of C." It may be necessary to take evidence in order to ascertain what estate the testator purchased of C.

Misnomer or misdescription of object.

63. Where the words used in the will to designate or describe a legatee, or a class of legatees, sufficiently show what is meant, an error in the name or description shall not prevent the legacy from taking effect.

A mistake in the name of a legatee may be corrected by a description of him, and a mistake in the description of a legatee may be corrected by the name.

Illustrations.

(*a.*) A bequeaths a legacy "to Thomas, the second son of his brother John." The testator has an only brother, named John, who has no son named Thomas, but has a second son whose name is William. William shall have the legacy.

(*b.*) A bequeaths a legacy "to Thomas, the second son of his brother John." The testator has an only brother named John, whose first son is named Thomas, and whose second son is named William. Thomas shall have the legacy.

(*c.*) The testator bequeaths his property "to A and B, the legitimate children of C." C has no legitimate child, but has two illegitimate children, A and B. The bequest to A and B takes effect, although they are illegitimate.

(*d.*) The testator gives his residuary estate to be divided among "his seven children," and proceeding to enumerate them, mentions six names only. This omission shall not prevent the seventh child from taking a share with the others.

(*e.*) The testator, having six grand-children, makes a bequest to "his six grand-children," and proceeding to mention them by their Christian names, mentions one twice over, omitting another altogether. The one whose name is not mentioned shall take a share with the others.

(*f.*) The testator bequeaths "1,000 rupees to each of the three children of A." At the date of the will A has four children. Each of these four children shall, if he survives the testator, receive a legacy of 1,000 rupees.

When words may be supplied.

64. Where any word material to the full expression of the meaning has been omitted, it may be supplied by the context.

Illustration.

The testator gives a legacy of "five hundred" to his daughter A, and a legacy of "five hundred rupees" to his daughter B. A shall take a legacy of five hundred rupees.

Rejection of erroneous particulars in description of subject.

65. If the thing which the testator intended to bequeath can be sufficiently identified from the description of it given in the will, but some parts of the description do not apply, such parts of the description shall be rejected as erroneous and the bequest shall take effect.

Illustrations.

(*a.*) A bequeaths to B "his marsh-lands lying in L, and in the occupation of X." The testator had marsh-lands lying in L, but had no marsh-lands in the occupation of X. The words "in the occupation of X" shall be rejected as erroneous, and the marsh-lands of the testator lying in L shall pass by the bequest.

(*b.*) The testator bequeaths to A "his zamíndárí of Rámpúr." He had an estate at Rámpúr, but it was a taluq and not a zamíndárí. The taluq passes by this bequest.

When part of description may not be rejected as erroneous.

66. If the will mentions several circumstances as descriptive of the thing which the testator intends to bequeath, and there is any property of his in respect of which all those circumstances exist, the bequest shall be considered as limited to such property, and it shall not be lawful to reject any part of the description as erroneous, because the testator had other property to which such part of the description does not apply.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

Explanation.—In judging whether a case falls within the meaning of this section, any words which would be liable to rejection under the sixty-fifth section are to be considered as struck out of the will.

Illustrations.

(*a.*) A bequeaths to B "his marsh-lands lying in L, and in the occupation of X." The testator had marsh-lands lying in L, some of which were in the occupation of X, and some not in the occupation of X. The bequest shall be considered as limited to such of the testator's marsh-lands lying in L as were in the occupation of X.

(*b.*) A bequeaths to B "his marsh-lands lying in L, and in the occupation of X, comprising 1,000 bighás of land." The testator had marsh-lands lying in L, some of which were in the occupation of X, and some not in the occupation of X. The measurement is wholly inapplicable to the marsh lands of either class, or to the whole taken together. The measurement shall be considered as struck out of the will, and such of the testator's marsh-lands lying in L as were in the occupation of X shall alone pass by the bequest.

Extrinsic evidence admissible in case of latent ambiguity.

67. Where the words of the will are unambiguous, but it is found by extrinsic evidence that they admit of applications one only of which can have been intended by the testator, extrinsic evidence may be taken to show which of these applications was intended.

Illustrations.

(*a.*) A man, having two cousins of the name of Mary, bequeaths a sum of money to "his cousin Mary." It appears that there are two persons each answering the description in the will. That description, therefore, admits of two applications, only one of which can have been intended by the testator. Evidence is admissible to show which of the two applications was intended.

(*b.*) A, by his will, leaves to B "his estate called Sultánpur Khurd." It turns out that he had two estates called Sultánpur Khurd. Evidence is admissible to show which estate was intended.

Extrinsic evidence inadmissible in cases of patent ambiguity or deficiency.

68. Where there is an ambiguity or deficiency on the face of the will, no extrinsic evidence as to the intentions of the testator shall be admitted.

Illustrations.

(*a.*) A man has an aunt Caroline and a cousin Mary, and has no aunt of the name of Mary. By his will he bequeaths 1,000 rupees to "his aunt Caroline" and 1,000 rupees to "his cousin Mary," and afterwards bequeaths 2,000 rupees to "his before-mentioned aunt Mary." There is no person to whom the description given in the will can apply, and evidence is not admissible to show who was meant by "his before-mentioned aunt Mary." The bequest is therefore void for uncertainty under the seventy-sixth section.

(*b.*) A bequeaths 1,000 rupees to , leaving a blank for the name of the legatee. Evidence is not admissible to show what name the testator intended to insert.

(*c.*) A bequeaths to B rupees, or "his estate of ." Evidence is not admissible to show what sum or what estate the testator intended to insert.

Meaning of clause to be collected from entire will.

69. The meaning of any clause in a will is to be collected from the entire instrument, and all its parts are to be construed with reference to each other; and for this purpose a codicil is to be considered as part of the will.

Illustrations.

(*a.*) The testator gives to B a specific fund or property at the date of A, and by a subsequent clause gives the whole of his property to A. The effect of the several clauses taken together is to vest the specific fund or property in A for life and after his decease in B; it appearing from the bequest to B that the testator meant to use in a restricted sense the words in which he describes what he gives to A.

(*b.*) Where a testator, having an estate one part of which is called Black Acre, bequeaths the whole of his estate to A, and in another part of his will bequeaths Black Acre to B, the latter bequest is to be read as an exception out of the first, as if he had said, "I give Black Acre to B and all the rest of my estate to A."

When words may be understood in restricted sense, and when in sense wider than usual.

70. General words may be understood in a restricted sense where it may be collected from the will that the testator meant to use them in a restricted sense; and words may be understood in a wider sense than that which they usually bear, where it may be collected from the other words of the will that the testator meant to use them in such wider sense.

Illustrations.

(*a.*) A testator gives to A "his farm in the occupation of B," and to C "all his marsh-lands in L." Part of the farm in the occupation of B consists of marsh-lands in L, and the testator also has other marsh-lands in L. The general words, "all his marsh-lands in L," are restricted by the gift to A. A takes the whole of the farm in the occupation of B, including that portion of the farm which consists of marsh-lands in L.

(*b.*) The testator (a sailor on ship-board) bequeathed to his mother his gold ring, buttons and chest of clothes, and to his friend A (a shipmate) his red box, clasp-knife and all things not before bequeathed. The testator's share in a house does not pass to A under this bequest.

(*c.*) A, by his will, bequeathed to B all his household furniture, plate, linen, china, books, pictures and all other goods of whatever kind; and afterwards bequeathed to B a specified part of his property. Under the first bequest, B is entitled only to such articles of the testator's as are of the same nature with the articles therein enumerated.

Which of two possible constructions preferred.

71. Where a clause is susceptible of two meanings, according to one of which it has some effect, and according to the other it can have none, the former is to be preferred.

No part rejected, if it can be reasonably construed.

72. No part of a will is to be rejected as destitute of meaning if it is possible to put a reasonable construction upon it.

Interpretation of words repeated in different parts of will.

73. If the same words occur in different parts of the same will, they must be taken to have been used everywhere in the same sense, unless there appears an intention to the contrary.

Testator's intention to be effectuated as far as possible.

74. The intention of the testator is not to be set aside because it cannot take effect to the full extent, but effect is to be given to it as far as possible.

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The last of two inconsistent clauses prevails.

75. Where two clauses or gifts in a will are irreconcileable, so that they cannot possibly stand together, the last shall prevail.

Illustrations.

(*a.*) The testator by the first clause of his will leaves his estate of Rámnagar "to A," and by the last clause of his will leaves it "to B and not to A." B shall have it.

(*b.*) If a man at the commencement of his will gives his house to A, and at the close of it directs that his house shall be sold and the proceeds invested for the benefit of B, the latter disposition shall prevail.

Will or bequest void for uncertainty.

76. A will or bequest not expressive of any definite intention is void for uncertainty.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojés.)

Illustration.

If a testator says—"I bequeath goods to A"; or "I bequeath to A"; or "I leave to A all the goods mentioned in a schedule," and no schedule is found; or "I bequeath 'money,' 'wheat,' 'oil,'" or the like, without saying how much, this is void.

77. The description contained in a will, of property the subject of gift, shall, unless a contrary intention appear by the will, be deemed to refer to and comprise the property answering that description at the death of the testator.

Words describing subject refer to property answering description at testator's death.

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82. Where property is bequeathed to any person, he is entitled to the whole interest of the testator therein, unless it appears from the will that only a restricted interest was intended for him.

Bequest without words of limitation.

83. Where property is bequeathed to a person with a bequest in the alternative to another person or to a class of persons, if a contrary intention does not appear by the will, the legatee first named shall be entitled to the legacy, if he be alive at the time when it takes effect; but if he be then dead, the person or class of persons named in the second branch of the alternative shall take the legacy.

Bequest in alternative.

Illustrations.

(*a.*) A bequest is made to A or to B. A survives the testator. B takes nothing.

(*b.*) A bequest is made to A or to B. A dies after the date of the will, and before the testator. The legacy goes to B.

(*c.*) A bequest is made to A or to B. A is dead at the date of the will. The legacy goes to B.

(*d.*) Property is bequeathed to A or his heirs. A survives the testator. A takes the property absolutely.

(*e.*) Property is bequeathed to A or his nearest of kin. A dies in the lifetime of the testator. Upon the death of the testator, the bequest to A's nearest of kin takes effect.

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84. Where property is bequeathed to a person, and words are added which describe a class of persons, but do not denote them as direct objects of a distinct and independent gift, such person is entitled to the whole interest of the testator therein, unless a contrary intention appears by the will.

Effect of words describing a class added to bequest to a person.

Illustrations.

(*a.*) A bequest is made—

to A and his children,
to A and his children by his present wife,
to A and his heirs,
to A and the heirs of his body,
to A and the heirs male of his body,
to A and the heirs female of his body,
to A and his issue,
to A and his family,
to A and his descendants,
to A and his representatives,
to A and his personal representatives,
to A, his executors and administators.

In each of these cases, A takes the whole interest which the testator had in the property.

(*b.*) A bequest is made to A and his brothers. A and his brothers are jointly entitled to the legacy.

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85. Where a bequest is made to a class of persons under a general description only, no one to whom the words of the description are not in their ordinary sense applicable shall take the legacy.

Bequest to class of persons under general description only.

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88. Where a will purports to make two bequests to the same person, and a question arises whether the testator intended to make the second bequest instead of or in addition to the first, if there is nothing in the will to show what he intended, the following rules shall prevail in determining the construction to be put upon the will:—

Rules of construction where will purports to make two bequests to same person.

First.—If the same specific thing is bequeathed twice to the same legatee in the same will, or in the will and again in a codicil, he is entitled to receive that specific thing only.

Second.—Where one and the same will or one and the same codicil purports to make, in two places, a bequest to the same person of the same quantity or amount of anything, he shall be entitled to one such legacy only.

Third.—Where two legacies of unequal amount are given to the same person in the same will, or in the same codicil, the legatee is entitled to both.

Fourth.—Where two legacies, whether equal or unequal in amount, are given to the same legatee, one by a will and the other by a codicil, or each by a different codicil, the legatee is entitled to both legacies.

Explanation.—In the four last rules, the word "will" does not include a codicil.

Illustrations.

(*a.*) A having ten shares, and no more, in the Bank of Bengal, made his will, which contains near its commencement the words "I bequeath my ten shares in the Bank of Bengal to B." After other bequests, the will concludes with the words "and I bequeath my ten shares in the Bank of Bengal to B." B is entitled simply to receive A's ten shares in the Bank of Bengal.

(*b.*) A having one diamond-ring, which was given him by B, bequeathed to C the diamond-ring which was given him by B. A afterwards made a codicil to his will, and thereby, after giving other legacies, he bequeathed to C the diamond-ring which was given him by B. C can claim nothing except the diamond-ring which was given to A by B.

(*c.*) A, by his will, bequeaths to B the sum of 5,000 rupees, and afterwards, in the same will, repeats the bequest in the same words. B is entitled to one legacy of 5,000 rupees only.

(*d.*) A, by his will, bequeaths to B the sum of 5,000 rupees, and afterwards, by the same will, bequeaths to B the sum of 6,000 rupees. B is entitled to 11,000 rupees.

(*e.*) A, by his will, bequeaths to B 5,000 rupees, and by a codicil to the will he bequeaths to him 5,000 rupees. B is entitled to receive 10,000 rupees.

(*f.*) A, by one codicil to his will, bequeaths to B 5,000 rupees, and by another codicil, bequeaths to him 6,000 rupees. B is entitled to receive 11,000 rupees.

(*g.*) A, by his will, bequeaths "500 rupees to B because she was his nurse," and in another part of the will bequeaths 500 rupees to B "because she went to England with his children." B is entitled to receive 1,000 rupees.

(*h.*) A, by his will, bequeaths to B the sum of 5,000 rupees and also, in another part of the will, an annuity of 400 rupees. B is entitled to both legacies.

(*i.*) A, by his will, bequeaths to B the sum of 5,000 rupees and also bequeaths to him the sum of 5,000 rupees if he shall attain the age of 18. B is entitled absolutely to one sum of 5,000 rupees, and take a contingent interest in another sum of 5,000 rupees.

89. A residuary legatee may be constituted by any words that show an intention on the part of the testator that the person designated shall take the surplus or residue of his property.

Constitution of residuary legatee.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

Illustrations.

(*a.*) A makes her will, consisting of several testamentary papers, in one of which are contained the following words:—"I think there will be something left, after all funeral expenses, &c., to give to B, now at school, towards equipping him to any profession he may hereafter be appointed to." B is constituted residuary legatee.

(*b.*) A makes his will, with the following passage at the end of it:—"I believe there will be found sufficient in my banker's hands to defray and discharge my debts, which I hereby desire B to do, and keep the residue for her own use and pleasure." B is constituted the residuary legatee.

(*c.*) A bequeaths all his property to B, except certain stocks and funds, which he bequeaths to C. B is the residuary legatee.

90. Under a residuary bequest, the legatee is entitled to all property belonging to the testator at the time of his death, of which he has not made any other testamentary disposition which is capable of taking effect.

Property to which residuary legatee entitled.

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91. If a legacy be given in general terms, without specifying the time when it is to be paid, the legatee has a vested interest in it from the day of the death of the testator, and, if he dies without having received it, it shall pass to his representatives.

Time of vesting of legacy in general terms.

92. If the legatee does not survive the testator, the legacy cannot take effect, but shall lapse and form part of the residue of the testator's property, unless it appear by the will that the testator intended that it should go to some other person.

In what case legacy lapses.

In order to entitle the representatives of the legatee to receive the legacy, it must be proved that he survived the testator.

Illustrations.

(*a.*) The testator bequeaths to B "500 rupees which B owes him." B dies before the testator; the legacy lapses.

(*b.*) A bequest is made to A and his children. A dies before the testator or happens to be dead when the will is made. The legacy to A and his children lapses.

(*c.*) A legacy is given to A, and in case of his dying before the testator, to B. A dies before the testator. The legacy goes to B.

(*d.*) A sum of money is bequeathed to A for life, and after his death to B. A dies in the lifetime of the testator. B survives the testator. The bequest to B takes effect.

(*e.*) A sum of money is bequeathed to A on his completing his eighteenth year, and in case he should die before he completes his eighteenth year, to B. A completes his eighteenth year, and dies in the lifetime of the testator. The legacy to A lapses, and the bequest to B does not take effect.

(*f.*) The testator and the legatee perished in the same shipwreck. There is no evidence to show which died first. The legacy will laspe.

93. If a legacy be given to two persons jointly, and one of them die before the testator, the other legatee takes the whole.

Legacy does not lapse if one of two joint legatees die before testator.

Illustration.

The legacy is simply to A and B. A dies before the testator. B takes the legacy.

94. But where a legacy is given to legatees in words which show that the testator intended to give them distinct shares of it, then if any legatee die before the testator, so much of the legacy as was intended for him shall fall into the residue of the testator's property.

Effect of words showing testator's intention to give distinct shares.

Illustration.

A sum of money is bequeathed to A, B and C, to be equally divided among them. A dies before the testator. B and C shall only take so much as they would have had if A had survived the testator.

95. Where the share that lapses is a part of the general residue bequeathed by the will, that share shall go as undisposed of.

When lapsed share goes as undisposed of.

Illustration.

The testator bequeaths the residue of his estate to A, B and C, to be equally divided between them. A dies before the testator. His one-third of the residue goes as undisposed of.

96. Where a bequest shall have been made to any *son or other legitimate lineal male descendant* of the testator, and the legatee shall die in the lifetime of the testator, but any *legitimate* lineal *male* descendant of his shall survive the testator, the bequest shall not lapse, but shall take effect as if the death of the legatee had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

When bequest to testator's lineal descendant does not lapse on his death in testator's lifetime.

Illustration.

A makes his will, by which he bequeaths a sum of money to his son B for his own absolute use and benefit. B dies before A, leaving a son C who survives A, and having made his will whereby he bequeaths all his property to his widow D. The money goes to D.

97. Where a bequest is made to one person for the benefit of another, the legacy does not lapse by the death, in the testator's lifetime, of the person to whom the bequest is made.

Bequest to A for benefit of B does not lapse by A's death.

98. Where a bequest is made simply to a described class of persons, the thing bequeathed shall go only to such as shall be alive at the testator's death.

Survivorship in case of bequest to described class.

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Illustrations.

(*a.*) A bequeaths 1,000 rupees to "the children of B" without saying when it is to be distributed among them. B had died previous to the date of the will, leaving three children, C, D and E. E died after the date of the will, but for the death of A. C and D survive A. The legacy shall belong to C and D, to the exclusion of the representatives of E.

(*b.*) A bequeaths a legacy to the children of B. At the time of the testator's death, B has no chidren. The bequest is void.

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PART XII.

OF VOID BEQUESTS.

99. Where a bequest is made to a person by a particular description, and there is no person in existence at the testator's death who answers the description, the bequest is void.

Bequest to person by particular description, who is not in existence at testator's death.

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Illustrations.

(*a.*) A bequeaths 1,000 rupees to the eldest son of B. At the death of the testator B has no son. The bequest is void.

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The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

101. No bequest is valid whereby the vesting of the thing bequeathed may be delayed beyond the lifetime of one or more persons living at the testator's decease.

Rule against perpetuity.

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102. If a bequest is made to a class of persons, with regard to some of whom it is inoperative by reason of the rules contained in the last preceding section, such bequest shall be wholly void.

Bequest to a class, some of whom may come under rules in section 101.

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103. Where a bequest is void by reason of any of the rules contained in the *two* last preceding sections, any bequest contained in the same will and intended to take effect after or upon failure of such prior bequest is also void.

Bequest to take effect on failure of bequest void under section 101 or 102.

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104. A direction to accumulate the income arising from any property shall be void; and the property shall be disposed of as if no accumulation had been directed.

Effect of direction for accumulation.

Exception.—Where the property is immoveable, or where accumulation is directed to be made from the death of the testator, the direction shall be valid in respect only of the income arising from the property within one year next following the testator's death;

and at the end of the year such property and income shall be disposed of respectively, as if the period during which the accumulation has been directed to be made had elapsed.

Illustrations.

(*a.*) The will directs that the sum of 10,000 rupees shall be invested in Government securities, and the income accumulated for 20 years, and that the principal, together with the accumulations, shall then be divided between A, B and C. A, B and C are entitled to receive the sum of 10,000 rupees at the end of the year from the testator's death.

(*b.*) The will directs that 10,000 rupees shall be invested and the income accumulated until A shall marry, and shall then be paid to him. A is entitled to receive 10,000 rupees at the end of a year from the testator's death.

(*c.*) The will directs that the rents of the farm of Sultánpur shall be accumulated for ten years, and that the accumulation shall be then paid to the eldest son of A. At the death of the testator, A has an eldest son living, named B. B shall receive at the end of one year from the testator's death the rents which have accrued during the year, together with any interest which may have been made by investing them.

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(*e.*) A bequeaths a sum of money to B, to be paid to him when he shall attain the age of 18, and directs the interest to be accumulated till he shall arrive at that age. At A's death the legacy becomes vested in B; and so much of the interest as is not required for his maintenance and education is accumulated, not by reason of the direction contained in the will, but in consequence of B's minority.

PART XIII.

OF THE VESTING OF LEGACIES.

106. Where by the terms of a bequest the legatee is not entitled to immediate possession of the thing bequeathed, a right to receive it at the proper time shall, unless a contrary intention appears by the will, become vested in the legatee on the testator's death, and shall pass to the legatee's representatives if he dies before that time and without having received the legacy.

Date of vesting of legacy when payment or possession postponed.

And in such cases the legacy is from the testator's death said to be vested in interest.

Explanation.—An intention that a legacy to any person shall not become vested in interest in him is not to be inferred merely from a provision whereby the payment or possession of the thing bequeathed is postponed, or whereby a prior interest therein is bequeathed to some other person, or whereby the income arising from the fund bequeathed is directed to be accumulated until the time of payment arrives, or from a provision that, if a particular event shall happen, the legacy shall go over to another person.

Illustrations.

(*a.*) A bequeaths to B 100 rupees, to be paid to him at the death of C. On A's death the legacy becomes vested in interest in B, and if he dies before C, his representatives are entitled to the legacy.

(*b.*) A bequeaths to B 100 rupees, to be paid to him upon his attaining the age of 18. On A's death the legacy becomes vested in interest in B.

(*c.*) A fund is bequeathed to A for life, and after his death to B. On the testator's death the legacy to B becomes vested in interest in B.

(*d.*) A fund is bequeathed to A until B attains the age of 18, and then to B. The legacy to B is vested in interest from the testator's death.

(*e.*) A bequeaths the whole of his property to B upon trust to pay certain debts out of the income, and then to make over the fund to C. At A's death the gift to C becomes vested in interest in him.

(*f.*) A fund is bequeathed to A, B and C in equal shares, to be paid to them on their attaining the age of 18 respectively, with a proviso that, if all of them die under the age of 18, the legacy shall devolve upon D. On the death of the testator, the shares vest in interest in A, B and C, subject to be devested in case A, B and C shall all die under 18, and upon the death of any of them (except the last survivor) under the age of 18, his vested interest passes, so subject, to his representatives.

107. A legacy bequeathed in case a specified uncertain event shall happen does not vest until that event happens.

Date of vesting when legacy contingent upon specified uncertain event.

A legacy bequeathed in case a specified uncertain event shall not happen does not vest until the happening of that event becomes impossible.

In either case, until the condition has been fulfilled, the interest of the legatee is called contingent.

Exception.—Where a fund is bequeathed to any person upon his attaining a particular age, and the will also gives to him absolutely the income to arise from the fund before he reaches that age, or directs the income, or so much of it as may be necessary, to be applied for his benefit, the bequest of the fund is not contingent.

Illustrations.

(*a.*) A legacy is bequeathed to D in case A, B and C shall all die under the age of 18. D has a contingent interest in the legacy until A, B and C all die under 18, or one of them attains that age.

(*b.*) A sum of money is bequeathed to A "in case he shall attain the age of 18," or, "when he shall attain the age of 18." A's interest in the legacy is contingent until the condition shall be fulfilled by his attaining that age.

(*c.*) An estate is bequeathed to A for life, and after his death to B, if B shall then be living; but if B shall not be then living, to C. A, B and C survive the testator. B and C each take a contingent interest in the estate until the event which is to vest it in one or in the other shall have happened.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

(*d.*) An estate is bequeathed as in the case last supposed. B dies in the lifetime of A and C. Upon the death of B, C acquires a vested right to obtain possession of the estate upon A's death.

(*e.*) A legacy is bequeathed to A when she shall attain the age of 18, or shall marry under that age with the consent of B, with a proviso that, if she shall not attain 18, or marry under that age with B's consent, the legacy shall go to C. A and C each take a contingent interest in the legacy. A attains the age of 18. A becomes absolutely entitled to the legacy, although she may have married under 18 without the consent of B.

(*f.*) An estate is bequeathed to A until he shall marry, and after that event to B. B's interest in the bequest is contingent until the condition shall be fulfiled by A's marrying.

(*g.*) An estate is bequeathed to A until he shall take advantage of the Act for the Relief of Insolvent Debtors, and after that event to B. B's interest in the bequest is contingent until A takes advantage of the Act.

(*h.*) An estate is bequeathed to A if he shall pay 500 rupees to B. A's interest in the bequest is contingent until he has paid 500 rupees to B.

(*i.*) A leaves his farm of Sultánpur Khurd to B, if B shall convey his own farm of Sultánpur Buzurg to C. B's interest in the bequest is contingent until he has conveyed the latter farm to C.

(*j.*) A fund is bequeathed to A if B shall not marry C within five years after the testator's death. A's interest in the legacy is contingent, until the condition shall be fulfilled by the expiration of the five years without B's having married C, or by the occurrence, within that period, of an event which makes the fulfilment of the condition impossible.

(*k.*) A fund is bequeathed to A if B shall not make any provision for him by will. The legacy is contingent until B's death.

(*l.*) A bequeaths to B 500 rupees a year upon his attaining the age of 18, and directs that the interest, or a competent part thereof, shall be applied for his benefit until he reaches that age. The legacy is vested.

(*m.*) A bequeaths to B 500 rupees when he shall attain the age of 18, and directs that a certain sum, out of another fund, shall be applied for his maintenance until he arrives at that age. The legacy is contingent.

108. Where a bequest is made only to such members of a class as shall have attained a particular age, a person who has not attained that age cannot have a vested interest in the legacy.

Vesting of interest in bequest to such members of a class as shall have attained particular age.

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PART XIV.

OF ONEROUS BEQUESTS.

109. Where a bequest imposes an obligation on the legatee, he can take nothing by it unless he accepts it fully.

Onerous bequest.

Illustration.

A having shares in (X), a prosperous joint stock company, and also shares in (Y), a joint stock company in difficulties, in respect of which shares heavy calls are expected to be made, bequeaths to B all his shares in joint stock companies. B refuses to accept the shares in (Y). He forfeits the shares in (X).

110. Where a will contains two separate and independent bequests to the same person, the legatee is at liberty to accept one of them and refuse the other, although the former may be beneficial and the latter onerous.

One of two separate and independent bequests to same person may be accepted, and other refused.

Illustration.

A having a lease for a term of years of a house at a rent which he and his representatives are bound to pay during the term, and which is higher than the house can be let for, bequeaths to B the lease and a sum of money. B refuses to accept the lease. He shall not by this refusal forfeit the money.

PART XV.

OF CONTINGENT BEQUESTS.

111. Where a legacy is given if a specified uncertain event shall happen, and no time is mentioned in the will for the occurrence of that event, the legacy cannot take effect unless such event happens before the period when the fund bequeathed is payable or distributable.

Bequest contingent upon specified uncertain event, no time being mentioned for its occurrence.

Illustrations.

(*a.*) A legacy is bequeathed to A, and in case of his death, to B. If A survives the testator, the legacy to B does not take effect.

(*b.*) A legacy is bequeathed to A, and in case of his death without children, to B. If A survives the testator or dies in his lifetime leaving a child, the legacy to B does not take effect.

(*c.*) A legacy is bequeathed to A when and if he attains the age of 18, and in case of his death, to B. A attains the age of 18. The legacy to B does not take effect.

(*d.*) A legacy is bequeathed to A for life and after his death to B, and, "in case of B's death without children," to C. The words "in case of B's death without children" are to be understood as meaning in case B shall die without children during the lifetime of A.

(*e.*) A legacy is bequeathed to A for life, and after his death to B, and, "in case of B's death," to C. The words "in case of B's death" are to be considered as meaning "in case B shall die in the lifetime of A."

112. Where a bequest is made to such of certain persons as shall be surviving at some period but the exact period is not specified, the legacy shall go to such of them as shall be alive at the time of payment or distribution, unless a contrary intention appear by the will.

Bequest to such of certain persons as shall be surviving at some period not specified.

Illustrations.

(*a.*) Property is bequeathed to A and B, to be equally divided between them, or to the survivor of them. If both A and B survive the testator, the legacy is equally divided between them. If A dies before the testator, and B survives the testator, it goes to B.

(*b.*) Property is bequeathed to A for life, and after his death to B and C, to be equally divided between them, or to the survivor of them. B dies during the life of A; C survives A. At A's death the legacy goes to C.

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(*d.*) Property is bequeathed to A for life, and after his death to B and C, with a direction that, in case either of them dies in the lifetime of A, the whole shall go to the survivor. B dies in the lifetime of A. Afterwards C dies in the lifetime of A. The legacy goes to the representative of C.

PART XVI.

OF CONDITIONAL BEQUESTS.

113. A bequest upon an impossible condition is void.

Bequest upon impossible condition.

Illustrations.

(*a.*) An estate is bequeathed to A on condition that he shall walk one hundred miles in an hour. The bequest is void.

(*b.*) A bequeaths 500 rupees to B on condition that he shall marry A's daughter. A's daughter was dead at the date of the will. The bequest is void.

The Khojá Succession Bill, 1884.

(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

114. A bequest upon a condition the fulfilment of which would be contrary to law or to morality is void.

Bequest upon illegal or immoral condition.

Illustrations.

(*a.*) A bequeaths 500 rupees to B on condition that he shall murder C. The bequest is void.

(*b.*) A bequeaths 5,000 rupees to his niece if she will desert her husband. The bequest is void.

115. Where a will imposes a condition to be fulfilled before the legatee can take a vested interest in the thing bequeathed, the condition shall be considered to have been fulfilled if it has been substantially complied with.

Fulfilment of condition precedent to vesting of legacy.

Illustrations.

(*a.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C, D and E. A marries with the written consent of B. C is present at the marriage. D sends a present to A previous to the marriage. E has been personally informed by A of his intentions, and has made no objection. A has fulfilled the condition.

(*b.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. D dies. A marries with the consent of B and C. A has fulfilled the condition.

(*c.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A marries in the lifetime of B, C and D, with the consent of B and C only. A has not fulfilled the condition.

(*d.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A obtains the unconditional assent of B, C and D to his marriage with E. Afterwards B, C and D capriciously retract their consent. A marries E. A has fulfilled the condition.

(*e.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A marries without the consent of B, C and D, but obtains their consent after the marriage. A has not fulfilled the condition.

(*f.*) A makes his will, whereby he bequeaths a sum of money to B if B shall marry with the consent of A's executors. B marries during the lifetime of A, and A afterwards expresses his approbation of the marriage. A dies. The bequest to B takes effect.

(*g.*) A legacy is bequeathed to A if he executes a certain document within a time specified in the will. The document is executed by A within a reasonable time, but not within the time specified in the will. A has not performed the condition, and is not entitled to receive the legacy.

116. Where there is a bequest to one person and a bequest of the same thing to another, if the prior bequest shall fail, the second bequest shall take effect upon the failure of the prior bequest, although the failure may not have occurred in the manner contemplated by the testator.

Bequest to A and on failure of prior bequest, to B.

Illustrations.

(*a.*) A bequeaths a sum of money to his own children surviving him, and if they all die under 18, to B. A dies without having ever had a child. The bequest to B takes effect.

(*b.*) A bequeaths a sum of money to B, on condition that he shall execute a certain document within three months after A's death, and if he should neglect to do so, to C. B dies in the testator's lifetime. The bequest to C takes effect.

117. Where the will shows an intention that the second bequest shall take effect only in the event of the first bequest failing in a particular manner, the second bequest shall not take effect unless the prior bequest fails in that particular manner.

When second bequest not to take effect on failure of first.

Illustration.

A makes a bequest to his wife, but in case she should die in his lifetime, bequeaths to B that which he had bequeathed to her. A and his wife perish together, under circumstances which make it impossible to prove that she died before him. The bequest to B does not take effect.

118. A bequest may be made to any person with the condition superadded that in case a specified uncertain event shall happen, the thing bequeathed shall go to another person; or, that in case a specified uncertain event shall not happen, the thing bequeathed shall go over to another person.

Bequest over, conditional upon happening or not happening of specified uncertain event.

In each case the ulterior bequest is subject to the rules contained in sections 107, 108, 109, 110, 111, 112, 113, 114, 116, 117.

Illustrations.

(*a.*) A sum of money is bequeathed to A, to be paid to him at the age of 18, and if he shall die before he attains that age, to B. A takes a vested interest in the legacy, subject to be devested and to go to B in case A shall die under 18.

(*b.*) An estate is bequeathed to A with a proviso that, if A shall dispute the competency of the testator to make a will, the estate shall go to B. A disputes the competency of the testator to make a will. The estate goes to B.

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(*d.*) A sum of money is bequeathed to A and B, and if either should die during the life of C, then to the survior living at the death of C. A and B die before C. The gift over cannot take effect, but the representative of A takes one-half of the money and the representative of B takes the other half.

(*e.*) A bequeaths to B the interest of a fund for life, and directs the fund to be divided, at her death, equally among her three children, or such of them as shall be living at her death. All the children of B die in B's lifetime. The bequest over cannot take effect, but the interests of the children pass to their representatives.

119. An ulterior bequest of the kind contemplated by the last preceding section cannot take effect unless the condition is strictly fulfilled.

Condition must be strictly fulfilled.

Illustrations.

(*a.*) A legacy is bequeathed to A, with a proviso that, if he marries without the consent of B, C and D, the legacy shall go to E. D dies. Even if A marries without the consent of B and C, the gift to E does not take effect.

(*b.*) A legacy is bequeathed to A, with a proviso that, if he marries without the consent of B, the legacy shall go to C. A marries with the consent of B. He afterwards becomes a widower and marries again without the consent of B. The bequest to C does not take effect.

(*c.*) A legacy is bequeathed to A, to be paid at 18, or marriage, with a proviso that, if A dies under 18, or marries without the consent of B, the legacy shall go to C. A marries under 18, without the consent of B. The bequest to C takes effect.

120. If the ulterior bequest be not valid, the original bequest is not affected by it.

Original bequest not affected by invalidity of second.

Illustrations.

(*a.*) An estate is bequeathed to A for his life, with a condition superadded that if he shall not on a given day walk 100 miles in an hour, the estate shall go to B. The condition being void, A retains his estate as if no condition had been inserted in the will.

(*b.*) An estate is bequeathed to A for her life, and if she do not desert her husband, to B. A is entitled to the estate during her life as if no condition had been inserted in the will.

(*c.*) An estate is bequeathed to A for life, and, if he marries, to the eldest son of B for life. B, at the date of the testator's death, had not had a son. The bequest over is void under section 92, and A is entitled to the estate during his life.

The Khojá Succession Bill, 1884.

(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

121. A bequest may be made with the condition superadded that it shall cease to have effect in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Bequest conditioned that it shall cease to have effect in case specified uncertain event shall happen or not happen.

Illustrations.

(*a.*) An estate is bequeathed to A for his life, with a proviso that, in case he shall cut down a certain wood, the bequest shall cease to have any effect. A cuts down the wood; he loses his life-interest in the estate.

(*b.*) An estate is bequeathed to A, provided that, if he marries under the age of 25 without the consent of the executors named in the will, the estate shall cease to belong to him. A marries under 25 without the consent of the executors. The estate ceases to belong to him.

(*c.*) An estate is bequeathed to A, provided that, if he shall not go to England within three years after the testator's death, his interest in the estate shall cease. A does not go to England within the time prescribed. His interest in the estate ceases.

(*d.*) An estate is bequeathed to A, with a proviso that, if she becomes a nun, she shall cease to have any interest in the estate. A becomes a nun. She loses her interest under the will.

(*e.*) A fund is bequeathed to A for life, and after his death to B, if B shall be then living, with a proviso that, if B shall become a nun, the bequest to her shall cease to have any effect. B becomes a nun in the lifetime of A. She thereby loses her contingent interest in the fund.

122. In order that a condition that a bequest shall cease to have effect may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of a bequest as contemplated by the one hundred and seventh section.

Such condition must not be invalid under section 107.

123. Where a bequest is made with a condition superadded that, unless the legatee shall perform a certain act, the subject-matter of the bequest shall go to another person, or the bequest shall cease to have effect, but no time is specified for the performance of the act, if the legatee takes any step which renders impossible or indefinitely postpones the performance of the act required, the legacy shall go as if the legatee had died without performing such act.

Result of legatee rendering impossible or indefinitely postponing act for which no time specified and on non-performance of which subject-matter to go over.

Illustrations.

(*a.*) A bequest is made to A with a proviso that, unless he enters the army, the legacy shall go over to B. A takes holy orders, and thereby renders it impossible that he should fulfil the condition. B is entitled to receive the legacy.

(*b.*) A bequest is made to A with a proviso that it shall cease to have any effect if he does not marry B's daughter. A marries a stranger, and thereby indefinitely postpones the fulfilment of the condition. The bequest ceases to have effect.

124. Where the will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed or as a condition upon the non-fulfilment of which the subject-matter of the bequest is to go over to another person, or the bequest is to cease to have effect, the act must be performed within the time specified, unless the performance of it be prevented by fraud, in which case such further time shall be allowed as shall be requisite to make up for the delay caused by such fraud.

Performance of condition, precedent or subsequent, within specified time.

Further time in case of fraud.

PART XVII.

Of Bequests with directions as to application or enjoyment.

125. Where a fund is bequeathed absolutely to or for the benefit of any person, but the will contains a direction that it shall be applied or enjoyed in a particular manner, the legatee shall be entitled to receive the fund as if the will had contained no such direction.

Direction that funds be employed in particular manner following absolute bequest of same to or for benefit of any person.

Illustration.

A sum of money is bequeathed towards purchasing a country-residence for A, or to purchase an annuity for A, or to purchase a commission in the army for A, or to place A in any business. A chooses to receive the legacy in money. He is entitled to do so.

126. Where a testator absolutely bequeaths a fund, so as to sever it from his own estate, but directs that the mode of enjoyment of it by the legatee shall be restricted so as to secure a specified benefit for the legatee; if that benefit cannot be obtained for the legatee, the fund belongs to him as if the will had contained no such direction.

Direction that mode of enjoyment of absolute bequest is to be restricted, to secure specified benefit for legatee.

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127. Where a testator does not absolutely bequeath a fund so as to sever it from his own estate, but gives it for certain purposes and part of those purposes cannot be fulfilled, the fund, or so much of it as has not been exhausted upon the objects contemplated by the will, remains a part of the estate of the testator.

Bequest of fund for certain purposes, some of which cannot be fulfilled.

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PART XVIII.

Of Bequests to an Executor.

128. If a legacy is bequeathed to a person who is named an executor of the will, he shall not take the legacy unless he proves the will or otherwise manifests an intention to act as executor.

Legatee named as executor cannot take unless he shews intention to act as executor.

Illustration.

A legacy is given to A, who is named an executor. A orders the funeral according to the directions contained in the will, and dies a few days after the testator, without having proved the will. A has manifested an intention to act as executor.

PART XIX.

Of Specific Legacies.

129. Where a testator bequeaths to any person a specified part of his property, which is distinguished from all other parts of his property, the legacy is said to be specific.

Specific legacy defined.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

Illustrations.

(*a.*) A bequeaths to B—
"the diamond-ring presented to him by C:"
"his gold chain:"
"a certain bale of wool:"
"a certain piece of cloth:"
"all his household-goods, which shall be in or about his dwelling-house in M Street, in Calcutta, at the time of his death:"
"the sum of 1,000 rupees in a certain chest:"
"the debt which B owes him:"
"all his bills, bonds and securities belonging to him lying in his lodgings in Calcutta:"
"all his furniture in his house in Calcutta:"
"all his goods on board a certain ship then lying in the river Hughly:"
"2,000 rupees which he has in the hands of C:"
"the money due to him on the bond of D:"
"his mortgage on the Rámpur factory:"
"one-half of the money owing to him on his mortgage of Rámpur factory:"
"1,000 rupees being part of a debt due to him from C:"
"his capital stock of 1,000 *l.* in East India stock:"
"his promissory notes of the Government of India for 10,000 rupees in their 4 per cent. loan:"
"all such sums of money as his executors may, after his death, receive in respect of the debt due to him from the insolvent firm of D and Company:"
"all the wine which he may have in his cellar at the time of his death:"
"such of his horses as B may select:"
"all his shares in the Bank of Bengal:"
"all the shares in the Bank of Bengal which he may possess at the time of his death:"
"all the money which he has in the 5½ per cent. loan of the Government of India:"
"all the Government-securities he shall be entitled to at the time of his decease."

Each of these legacies is specific.

(*b.*) A having Government promissory notes for 10,000 rupees, bequeaths to his executors "Government promissory notes for 10,000 rupees in trust to sell" for the benefit of B.

The legacy is specific.

(*c.*) A having property at Benares, and also in other places, bequeaths to B all his property at Benares.

The legacy is specific.

(*d.*) A bequeaths to B—
his house in Calcutta:
his zamíndárí of Rámpur:
his taluq of Rámnagar:
his lease of the indigo-factory of Salkya:
an annuity of 500 rupees out of the rents of his zamíndárí of W.

A directs his zamíndárí of X to be sold, and the proceeds to be invested for the benefit of B.

Each of these bequests is specific.

(*e.*) A by his will charges his zamíndárí of Y with an annuity of 1,000 rupees to C during his life, and subject to this charge he bequeaths the zamíndárí to D. Each of these bequests is specific.

(*f.*) A bequeaths a sum of money—
to buy a house in Calcutta for B:
to buy an estate in zila Faridpur for B:
to buy a diamond-ring for B:
to buy a horse for B:
to be invested in shares in the Bank of Bengal for B:
to be invested in Government-securities for B.

A bequeaths to B—
"a diamond-ring:"
"a horse:"
"10,000 rupees worth of Government securities:"
"an annuity of 500 rupees:"
"2,000 rupees, to be paid in cash;"
"so much money as will produce 5,000 rupees 4 per cent. Government-securities."

These bequests are not specific.

(*g.*) A, having property in England and property in India, bequeaths a legacy to B, and directs that it shall be paid out of the property which he may leave in India. He also bequeaths a legacy to C, and directs that it shall be paid out of the property which he may leave in England.

No one of these legacies is specific.

130. Where a sum certain is bequeathed, the legacy is not specific merely because the stocks, funds or securities in which it is invested are described in the will.

Bequest of sum certain where stocks, &c., in which invested are described.

Illustration.

A bequeaths to B—
"10,000 rupees of his funded property:"
"10,000 rupees of his property now invested in shares of the East Indian Railway Company:"
"10,000 rupees at present secured by mortgage of Rámpur factory."

No one of these legacies is specific.

131. Where a bequest is made in general terms of a certain amount of any kind of stock, the legacy is not specific merely because the testator was, at the date of his will, possessed of stock of the specified kind, to an equal or greater amount than the amount bequeathed.

Bequest of stock where testator had, at date of will, equal or greater amount of stock of same kind.

Illustration.

A bequeaths to B 5,000 rupees 5 per cent. Government securities. A had at the date of the will five per cent. Government securities for 5,000 rupees.

The legacy is not specific.

132. A money-legacy is not specific merely because the will directs its payment to be postponed until some part of the property of the testator shall have been reduced to a certain form, or remitted to a certain place.

Bequest of money where not payable until part of testator's property disposed of in certain way.

Illustrations.

A bequeaths to B 10,000 rupees, and directs that this legacy shall be paid as soon as A's property in India shall be realized in England.

The legacy is not specific.

133. Where a will contains a bequest of the residue of the testator's property along with an enumeration of some items of property not previously bequeathed, the articles enumerated shall not be deemed to be specifically bequeathed.

When enumerated articles not deemed specifically bequeathed.

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136. If there be a deficiency of assets to pay legacies, a specific legacy is not liable to abate with the general legacies.

Where deficiency of assets to pay legacies, specific legacy not to abate with general legacies.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

PART XX.

Of Demonstrative Legacies.

137. Where a testator bequeaths a certain sum of money, or a certain quantity of any other commodity, and refers to a particular fund or stock so as to constitute the same the primary fund or stock out of which payment is to be made, the legacy is said to be demonstrative.

Demonstrative legacy defined.

Explanation.—The distinction between a specific legacy and a demonstrative legacy consists in this, that—

where specified property is given to the legatee, the legacy is specific;

where the legacy is directed to be paid out of specified property, it is demonstrative.

Illustrations.

(*a.*) A bequeaths to B 1,000 rupees, being part of a debt due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. The legacy to B is specific; the legacy to C is demonstrative.

(*b.*) A bequeaths to B—
"ten bushels of the corn which shall grow in his field of Greenacre:"
"80 chests of the indigo which shall be made at his factory of Rámpur:"
"10,000 rupees out of his five per cent. promissory notes of the Government of India:"
an annuity of 500 rupees "from his funded property:"
"1,000 rupees out of the sum of 2,000 rupees due to him by C."

A bequeaths to B an annuity, and directs it to be paid out of the rents arising from his taluq of Rámnagar.

A bequeaths to B—
"10,000 rupees out of his estate at Rámnagar," or charges it on his estate at Rámnagar:
"10,000 rupees, being his share of the capital embarked in a certain business."

Each of these bequests is demonstrative.

138. Where a portion of a fund is specifically bequeathed and a legacy is directed to be paid out of the same fund, the portion specifically bequeathed shall first be paid to the legatee, and the demonstrative legacy shall be paid out of the residue of the fund, and, so far as the residue shall be deficient, out of the general assets of the testator.

Order of payment when legacy directed to be paid out of fund the subject of specific legacy.

Illustration.

A bequeaths to B 1,000 rupees, being part of a debt due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. The debt due to A from W is only 1,500 rupees; of these 1,500 rupees, 1,000 rupees belong to B, and 500 rupees are to be paid to C. C is also to receive 500 rupees out of the general assets of the testator.

PART XXI.

Of Ademption of Legacies.

139. If anything which has been specifically bequeathed does not belong to the testator at the time of his death, or has been converted into property of a different kind, the legacy is adeemed; that is, it cannot take effect by reason of the subject-matter having been withdrawn from the operation of the will.

Ademption explained.

Illustrations.

(*a.*) A bequeaths to B—
"the diamond-ring presented to him by C:"
"his gold chain:"
"a certain bale of wool:"
"a certain piece of cloth:"
"all his household-goods which shall be in or about his dwelling-house in M Street, in Calcutta, at the time of his death."

A, in his lifetime,
sells or gives away the ring;
converts the chain into a cup;
converts the wool into cloth:
makes the cloth into a garment:
takes another house into which he removes all his goods

Each of these legacies is adeemed.

(*b.*) A bequeaths to B—
"the sum of 1,000 rupees in a certain chest:"
"all the horses in his stable."

At the death of A, no money is found in the chest, and no horses in the stable.

The legacies are adeemed.

(*c.*) A bequeaths to B certain bales of goods. A takes the goods with him on a voyage. The ship and goods are lost at sea, and A is drowned.

The legacy is adeemed.

140. A demonstrative legacy is not adeemed by reason that the property on which it is charged by the will does not exist at the time of the death of the testator, or has been converted into property of a different kind; but it shall in such case be paid out of the general assets of the testator.

Non-ademption of demonstrative legacy.

141. Where the thing specifically bequeathed is the right to receive something of value from a third party, and the testator himself receives it, the bequest is adeemed.

Ademption of specific bequest of right to receive something from third party.

Illustrations.

(*a.*) A bequeaths to B—
"the debt which C owes him:"
"2,000 rupees which he has in the hands of D:"
"the money due to him on the bond of E:"
"his mortgage on the Rámpur factory."

All these debts are extinguished in A's lifetime, some with and some without his consent.

All the legacies are adeemed.

(*b.*) A bequeaths to B—
"his interest in certain policies of life-assurance."

A in his lifetime receives the amount of the policies. The legacy is adeemed.

142. The receipt by the testator of a part of an entire thing specifically bequeathed shall operate as an ademption of the legacy to the extent of the sum received.

Ademption *pro tanto* by testator's receipt of part of entire thing specifically bequeathed.

Illustration.

A bequeaths to B "the debt due to him by C." The debt amounts to 10,000 rupees. C pays to A 5,000 rupees, the one-half of the debt. The legacy is revoked by ademption, so far as regards the 5,000 rupees received by A.

143. If a portion of an entire fund or stock be specifically bequeathed, the receipt by the testator of a portion of the fund or stock shall operate as an ademption only to the ex-

Ademption *pro tanto* by testator's receipt of portion of entire fund of which portion has been specifically bequeathed.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

tent of the amount so received; and the residue of the fund or stock shall be applicable to the discharge of the specific legacy.

Illustration.

A bequeaths to B one-half of the sum of 10,000 rupees due to him from W. A in his lifetime receives 6,000 rupees, part of the 10,000 rupees. The 4,000 rupees which are due from W to A at the time of his death belong to B under the specific bequest.

144. Where a portion of a fund is specifically bequeathed to one legatee, and a legacy charged on the same fund is bequeathed to another legatee, if the testator receives a portion of that fund, and the remainder of the fund is insufficient to pay both the specific and the demonstrative legacy, the specific legacy shall be paid first, and the residue (if any) of the fund shall be applied so far as it will extend in payment of the demonstrative legacy, and the rest of the demonstrative legacy shall be paid out of the general assets of the testator.

Order of payment where portion of fund specifically bequeathed to one legatee, and legacy charged on same fund to another, and testator having received portion of that fund, remainder insufficient to pay both legacies.

Illustration.

A bequeaths to B 1,000 rupees, part of the debt of 2,000 rupees due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. A afterwards receives 500 rupees, part of that debt, and dies leaving only 1,500 rupees due to him from W. Of these 1,500 rupees, 1,000 rupees belong to B, and 500 rupees are to be paid to C. C is also to receive 500 rupees out of the general assets of the testator.

145. Where stock which has been specifically bequeathed does not exist at the testator's death, the legacy is adeemed.

Ademption where stock, specifically bequeathed, does not exist at testator's death.

Illustration.

A bequeaths to B—

"his capital stock of 1,000*l.* in East India Stock:"

"his promissory notes of the Government of India for 10,000 rupees in their 4 per cent. loan."

A sells the stock and the notes.

The legacies are adeemed.

146. Where stock which has been specifically bequeathed does only in part exist at the testator's death, the legacy is adeemed so far as regards that part of the stock which has ceased to exist.

Ademption *pro tanto* where stock, specifically bequeathed, exists in part only at testator's death.

Illustration.

A bequeaths to B—

"his 10,000 rupees in the 5½ per cent. loan of the Government of India."

A sells one-half of his 10,000 rupees in the loan in question.

One-half of the legacy is adeemed.

147. A specific bequest of goods under a description connecting them with a certain place is not adeemed by reason that they have been removed from such place from any temporary cause, or by fraud or without the knowledge or sanction of the testator.

Non-ademption of specific bequest of goods described as connected with certain place, by reason of removal.

Illustrations.

A bequeaths to B "all his household goods which shall be in or about his dwelling-house in Calcutta at the time of his death." The goods are removed from the house to save them from fire. A dies before they are brought back.

A bequeaths to B "all his household goods which shall be in or about his dwelling-house in Calcutta at the time of his death." During A's absence upon a journey, the whole of the goods are removed from the house. A dies without having sanctioned their removal.

Neither of these legacies is adeemed.

148. The removal of the thing bequeathed from the place in which it is stated in the will to be situated does not constitute an ademption where the place is only referred to in order to complete the description of what the testator meant to bequeath.

When removal of thing bequeathed does not constitute ademption.

Illustrations.

A bequeaths to B all the bills, bonds and other securities for money belonging to him then lying in his lodgings in Calcutta. At the time of his death these effects had been removed from his lodgings in Calcutta.

A bequeaths to B all his furniture then in his house in Calcutta. The testator has a house at Calcutta and another at Chinsurah, in which he lives alternately, being possessed of one set of furniture only, which he removes with himself to each house. At the time of his death the furniture is in the house at Chinsurah.

A bequeaths to B all his goods on board a certain ship then lying in the river Hugli. The goods are removed by A's directions to a warehouse, in which they remain at the time of A's death.

No one of these legacies is revoked by ademption.

149. Where the thing bequeathed is not the right to receive something of value from a third person, but the money or other commodity which shall be received from the third person by the testator himself or by his representatives, the receipt of such sum of money or other commodity by the testator shall not constitute an ademption;

When thing bequeathed is a valuable to be received by testator from third person, and testator himself, or his representative, receives it.

but if he mixes it up with the general mass of his property, the legacy is adeemed.

Illustration.

A bequeaths to B whatever sum may be received from his claim on C. A receives the whole of his claim on C and sets it apart from the general mass of his property. The legacy is not adeemed.

150. Where a thing specifically bequeathed undergoes a change between the date of the will and the testator's death, and the change takes place by operation of law or in the course of execution of the provisions of any legal instrument under which the thing bequeathed was held, the legacy is not adeemed by reason of such change.

Change by operation of law of subject of specific bequest between date of will and testator's death.

Illustrations.

A bequeaths to B "all the money which he has in the 5% per cent. loan of the Government of India."

The securities for the 5½ per cent. loan are converted during A's lifetime into 5 per cent. stock.

A's bequeaths to B the sum of 2,000*l.*, invested in consols in the names of trustees for A.

The sum of 2,000*l.* is transferred by the trustees into A's own name.

A bequeaths to B the sum of 10,000 rupees in promissory notes of the Government of India which he has power under his marriage-settlement to dispose of by will. Afterwards in A's lifetime, the fund is converted into consols by virtue of an authority contained in the settlement.

No one of these legacies has been adeemed.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

151. Where a thing specifically bequeathed undergoes a change between the date of the will and the testator's death, and the change takes place without the knowledge or sanction of the testator, the legacy is not adeemed.

Change of subject without testator's knowledge.

Illustration.

A bequeaths to B "all his 3 per cent. consols." The consols are, without A's knowledge, sold by his agent, and the proceeds converted into East India stock. This legacy is not adeemed.

152. Where stock which has been specifically bequeathed is lent to a third party on condition that it shall be replaced, and it is replaced accordingly, the legacy is not adeemed.

Stock specifically bequeathed, lent to third party on condition that it be replaced.

153. Where stock specifically bequeathed is sold, and an equal quantity of the same stock is afterwards purchased and belongs to the testator at his death, the legacy is not adeemed.

Stock specifically bequeathed, sold but replaced and belonging to testator at his death.

PART XXII.

Of the Payment of Liabilities in respect of the subject of a Bequest.

154. Where property specifically bequeathed is subject at the death of the testator to any pledge, lien or incumbrance, created by the testator himself or by any person under whom he claims, then, unless a contrary intention appears by the will, the legatee, if he accepts the bequest, shall accept it subject to such pledge or incumbrance, and shall (as between himself and the testator's estate) be liable to make good the amount of such pledge or incumbrance.

Non-liability of executor to exonerate specific legatees.

A contrary intention shall not be inferred from any direction which the will may contain for the payment of the testator's debts generally.

Explanation.—A periodical payment in the nature of land-revenue or in the nature of rent is not such an incumbrance as is contemplated by this section.

Illustrations.

(*a.*) A bequeaths to B the diamond-ring given him by C. At A's death the ring is held in pawn by D, to whom it has been pledged by A. It is the duty of A's executors, if the state of the testator's assets will allow them, to allow B to redeem the ring.

(*b.*) A bequeaths to B a zamíndárí which at A's death is subject to a mortgage for 10,000 rupees, and the whole of the principal sum, together with interest to the amount of 1,000 rupees, is due at A's death. B, if he accepts the bequest, accepts it subject to this charge, and is liable, as between himself and A's estate, to pay the sum of 11,000 rupees thus due.

155. Where anything is to be done to complete the testator's title to the thing bequeathed, it is to be done at the cost of the testator's estate.

Completion of testator's title to things bequeathed to be at cost of his estate.

Illustrations.

(*a.*) A, having contracted in general terms for the purchase of a piece of land at a certain price, bequeaths it to B, and dies before he has paid the purchase-money. The purchase-money must be made good out of A's assets.

(*b.*) A having contracted for the purchase of a piece of land for a certain sum of money, one-half of which is to be paid down, and the other half secured by mortgage of the land, bequeaths it to B, and dies before he has paid or secured any part of the purchase-money. One-half of the purchase-money must be paid out of A's assets.

156. Where there is a bequest of any interest in immoveable property, in respect of which payment in the nature of land-revenue or in the nature of rent has to be made periodically, the estate of the testator shall (as between such estate and the legatee) make good such payments or a proportion of them up to the day of his death.

Exoneration of legatee's immoveable property for which land-revenue or rent payable periodically.

Illustration.

A bequeaths to B a house, in respect of which 365 rupees are payable annually by way of rent. A pays his rent at the usual time, and dies 25 days after. A's estate shall make good 25 rupees in respect of the rent.

157. In the absence of any direction in the will where there is a specific bequest of stock in a joint stock company, if any call or other payment is due from the testator at the time of his death in respect of such stock, such call or payment shall, as between the testator's estate and the legatee, be borne by such estate;

Exoneration of specific legatee's stock in joint stock company.

but if any call or other payment shall, after the testator's death become due in respect of such stock, the same shall, as between the testator's estate and the legatee, be borne by the legatee if he accept the bequest.

Illustrations.

(*a.*) A bequeathed to B his shares in a certain railway. At A's death there was due from him the sum of 5*l.* in respect of each share, being the amount of a call which had been duly made, and the sum of 5*s.* in respect of each share, being the amount of interest which had accrued due in respect of the call. These payments must be borne by A's estate.

(*b.*) A has agreed to take 50 shares in an intended joint stock company, and has contracted to pay up 5*l.* in respect of each share, which sum must be paid before his title to the shares can be completed. A bequeaths these shares to B. The estate of A must make good the payments which were necessary to complete A's title.

(*c.*) A bequeaths to B his shares in a certain railway. B accepts the legacy. After A's death, a call is made in respect of the shares. B must pay the call.

(*d.*) A bequeaths to B his shares in a joint stock company. B accepts the bequest. Afterwards the affairs of the company are wound up and each shareholder is called upon for contribution. The amount of the contribution must be borne by the legatee.

(*e.*) A is the owner of ten shares in a railway company. At a meeting held during his lifetime a call is made of 3*l.* per share payable by three instalments. A bequeaths his shares to B, and dies between the day fixed for the payment of the first and the day fixed for the payment of the second instalment and without having paid the first instalment. A's estate must pay the first instalment, and B, if he accepts the legacy, must pay the remaining instalments.

PART XXIII.

Of Bequests of Things described in general terms.

158. If there be a bequest of something described in general terms, the executor must purchase for the legatee what may reasonably be considered to answer the description.

Bequest of thing described in general terms.

Illustrations.

(*a.*) A bequeaths to B a pair of carriage-horses, or a diamond-ring. The executor must provide the legatee with such articles, if the state of the assets will allow it.

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(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

(*b.*) A bequeaths to B "*his* pair of carriage-horses." A had no carriage-horses at the time of his death. The legacy fails.

PART XXIV.

Of Bequests of the Interest or Produce of a Fund.

159. Where the interest or produce of a fund is bequeathed to any person, and the will affords no indication of an intention that the enjoyment of the bequest should be of limited duration, the principal as well as the interest shall belong to the legatee.

Bequest of interest or produce of fund.

Illustrations.

(*a.*) A bequeaths to B the interest of his five per cent. promissory notes of the Government of India. There is no other clause in the will affecting those securities. B is entitled to A's five per cent. promissory notes of the Government of India.

(*b.*) A bequeaths the interest of his 5½ per cent. promissory notes of the Government of India to B for his life, and after his death to C. B is entitled to the interest of the notes during his life and C is entitled to the notes upon B's death.

(*c.*) A bequeaths to B the rents of his lands at X. B is entitled to the lands.

PART XXV.

Of Bequests of Annuities.

160. Where an annuity is created by will, the legatee is entitled to receive it for his life only unless a contrary intention appears by the will. And this rule shall not be varied by the circumstance that the annuity is directed to be paid out of the property generally, or that a sum of money is bequeathed to be invested in the purchase of it.

Annuity created by will payable for life only, unless contrary intention appears by will.

Illustrations.

(*a.*) A bequeaths to B 500 rupees a year. B is entitled during his life to receive the annual sum of 500 rupees.

(*b.*) A bequeaths to B the sum of 500 rupees monthly. B is entitled during his life to receive the sum of 500 rupees every month.

(*c.*) A bequeaths an annuity of 500 rupees to B for life, and on B's death to C. B is entitled to an annuity of 500 rupees during his life. C, if he survives B, is entitled to an annuity of 500 rupees from B's death until his own death.

161. Where the will directs that an annuity shall be provided for any person out of the proceeds of property, or out of property generally, or where money is bequeathed to be invested in the purchase of any annuity for any person, on the testator's death the legacy vests in interest in the legatee, and he is entitled at his option to have an annuity purchased for him or to receive the money appropriated for that purpose by the will.

Period of vesting where will directs that annuity be provided out of proceeds of property, or out of property generally or where money bequeathed to be invested in purchase of annuity.

Illustrations.

(*a.*) A by his will directs that his executors shall out of his property purchase an annuity of 1,000 rupees for B. B is entitled at his option to have an annuity of 1,000 rupees for his life purchased for him, or to receive such a sum as will be sufficient for the purchase of such an annuity.

(*b.*) A bequeaths a fund to B for his life, and directs that after B's death it shall be laid out in the purchase of an annuity for C. B and C survive the testators. C dies in B's lifetime. On B's death the fund belongs to the representative of C.

162. Where an annuity is bequeathed, but the assets of the testator are not sufficient to pay all the legacies given by the will, the annuity shall abate in the same proportion as the other pecuniary legacies given by the will.

Abatement of annuity.

163. Where there is a gift of an annuity and a residuary gift, the whole of the annuity is to be satisfied before any part of the residue is paid to the residuary legatee, and, if necessary, the capital of the testator's estate shall be applied for that purpose.

Where gift of annuity and residuary gift, whole annuity to be first satisfied.

PART XXVI.

Of Legacies to Creditors and Portioners.

164. Where a debtor bequeaths a legacy to his creditor, and it does not appear from the will that the legacy is meant as a satisfaction of the debt, the creditor shall be entitled to the legacy as well as to the amount of the debt.

Creditor *primâ facie* entitled to legacy as well as debt.

165. Where a parent, who is under obligation by contract to provide a portion for a child, fails to do so, and afterwards bequeaths a legacy to the child, and does not intimate by his will that the legacy is meant as a satisfaction of the portion, the child shall be entitled to receive the legacy as well as the portion.

Child *primâ facie* entitled to legacy as well as portion.

Illustration.

A, by articles entered into in contemplation of his marriage with B, covenanted that he would pay to each of the daughters of the intended marriage a portion of 20,000 rupees on her marriage. This covenant having been broken, A bequeaths 20,000 rupees to each of the married daughters of himself and B. The legatees are entitled to the benefit of this bequest in addition to their portions.

166. No bequest shall be wholly or partially adeemed by a subsequent provision made by settlement or otherwise for the legatee.

No ademption by subsequent provision for legatee.

Illustrations.

(*a.*) A bequeaths 20,000 rupees to his son B. He afterwards gives to B the sum of 20,000 rupees. The legacy is not thereby adeemed.

(*b.*) A bequeaths 40,000 rupees to B, his orphan-niece, whom he had brought up from her infancy. Afterwards on the occasion of B's marriage, A settles upon her the sum of 30,000 rupees. The legacy is not thereby diminished.

PART XXVII.

Of Election.

167. Where a man, by his will, professes to dispose of something which he has no right to dispose of, the person to whom the thing belongs shall elect either to confirm such disposition or to dissent from it, and in the latter case he shall give up any benefits which may have been provided for him by the will.

Circumstances in which election takes place.

168. The interest so relinquished shall devolve as if it had not been disposed of by the will in favour of the legatee, subject, nevertheless, to the charge of making good to the disappointed legatee the amount or value of the gift attempted to be given to him by the will.

Devolution of interest relinquished by owner.

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169. This rule will apply whether the testator does or does not believe that which he professes to dispose of by his will to be his own.

Testator's belief as to his ownership immaterial.

Illustrations.

(*a.*) The farm of Sultánpur was the property of C. A bequeathed it to B, giving a legacy of 1,000 rupees to C. C has elected to retain his farm of Sultánpur, which is worth 800 rupees. C forfeits his legacy of 1,000 rupees, of which 800 rupees goes to B, and the remaining 200 rupees falls into the residuary bequest, or devolves according to the rules of intestate succession, as the case may be.

(*b.*) A bequeaths an estate to B in case B's elder brother (who is married and has children) shall leave no issue living at his death. A also bequeaths to C a jewel, which belongs to B. B must elect to give up the jewel, or to lose the estate.

(*c.*) A bequeaths to B 1,000 rupees, and to C an estate which will, under a settlement, belong to B if his elder brother (who is married and has children) shall leave no issue living at his death. B must elect to give up the estate, or to lose the legacy.

(*d.*) A, a person of the age of 18 domiciled in British India, but owning real property in England, to which C is heir-at-law, bequeaths a legacy to C, and, subject thereto, devises and bequeaths to B "all his property, whatsoever and wheresoever," and dies under 21. The real property in England does not pass by the will. C may claim his legacy without giving up the real property in England.

170. A bequest for a man's benefit is, for the purpose of election, the same thing as a bequest made to himself.

Bequest for man's benefit how regarded for purpose of election.

Illustration.

The farm of Sultánpur Khurd being the property of B, A bequeathed it to C, and bequeathed another farm called Sultánpur Buzurg to his own executors, with a direction that it should be sold, and the proceeds applied in payment of B's debts. B must elect whether he will abide by the will, or keep his farm of Sultánpur Khurd in opposition to it.

171. A person taking no benefit directly under the will, but deriving a benefit under it indirectly, is not put to his election.

Person deriving benefit indirectly not put to election.

Illustration.

The lands of Sultánpur are settled upon C for life, and after his death upon D, his only child. A bequeaths the lands of Sultánpur to B, and 1,000 rupees to C. C dies intestate shortly after the testator, and without having made any election. D takes out administration to C, and as administrator elects on behalf of C's estate to take under the will. In that capacity he receives the legacy of 1,000 rupees, and accounts to B for the rents of the lands of Sultánpur which accrued after the death of the testator and before the death of C. In his individual character he retains the lands of Sultánpur in opposition to the will.

172. A person who in his individual capacity takes a benefit under the will may in another character elect to take in opposition to the will.

Person taking in individual capacity under will may in other character elect to take in opposition.

Illustration.

The estate of Sultánpur is settled upon A for life, and after his death upon B. A leaves the estate of Sultánpur to D, and 2,000 rupees to B, and 1,000 rupees to C, who is B's only child. B dies intestate, shortly after the testator, without having made an election. C takes out administration to B, and as administrator elects to keep the estate of Sultánpur in opposition to the will, and to relinquish the legacy of 2,000 rupees. C may do this, and yet claim his legacy of 1,000 rupees under the will.

Exception to the six last Rules.—Where a particular gift is expressed in the will to be in lieu of something belonging to the legatee, which is also in terms disposed of by the will, if the legatee claims that thing, he must relinquish the particular gift, but he is not bound to relinquish any other benefit given to him by the will.

Illustration.

Under A's marriage-settlement his wife is entitled, if she survives him, to the enjoyment of the estate of Sultánpur during her life.

A by his will bequeaths to his wife an annuity of 200*l.* during her life, in lieu of her interest in the estate of Sultánpur, which estate he bequeaths to his son. He also gives his wife a legacy of 1,000*l.* The widow elects to take what she is entitled to under the settlement. She is bound to relinquish the annuity, but not the legacy of 1,000*l.*

173. Acceptance of a benefit given by the will constitutes an election by the legatee to take under the will, if he has knowledge of his right to elect, and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives inquiry into the circumstances.

When acceptance of benefit given by will constitutes election to take under will.

Illustrations.

(*a.*) A is owner of an estate called Sultánpur Khurd, and has a life-interest in another estate called Sultánpur Buzurg, to which, upon his death, his son B will be absolutely entitled. The will of A gives the estate of Sultánpur Khurd to B, and the estate of Sultánpur Buzurg to C. B, in ignorance of his own right to the estate of Sultánpur Buzurg, allows C to take possession of it, and enters into possession of the estate of Sultánpur Khurd. B has not confirmed the bequest of Sultánpur Buzurg to C.

(*b.*) B, the eldest son of A, is the possessor of an estate called Sultánpur. A bequeaths Sultánpur to C, and to B the residue of A's property. B, having been informed by A's executors that the residue will amount to 5,000 rupees, allows C to take possession of Sultánpur. He afterwards discovers that the residue does not amount to more than 500 rupees. B has not confirmed the bequest of the estate of Sultánpur to C.

174. Such knowledge or waiver of inquiry shall, in the absence of evidence to the contrary, be presumed if the legatee has enjoyed for two years the benefits provided for him by the will without doing any act to express dissent.

Presumption arising from enjoyment by legatee for two years.

175. Such knowledge or waiver of inquiry may be inferred from any act of the legatee which renders it impossible to place the persons interested in the subject-matter of the bequest in the same condition as if such act had not been done.

Confirmation of bequest by act of legatee.

Illustration.

A bequeaths to B an estate to which C is entitled and to C a coal-mine. C takes possession of the mine, and exhausts it. He has thereby confirmed the bequest of the estate to B.

176. If the legatee shall not, within one year after the death of the testator, signify to the testator's representatives his intention to confirm or to dissent from the will, the representatives shall, upon the expiration of that period, require him to make his election;

When testator's representatives may call upon legatee to elect.

and if he does not comply with such requisition within a reasonable time after he has received it, he shall be deemed to have elected to confirm the will.

Effect of non-compliance.

177. In case of disability the election shall be postponed until the disability ceases, or until the election shall be made by some competent authority.

Postponement of election in case of disability.

STATEMENT OF OBJECTS AND REASONS.

THE Khojás are members of a sect which was originally Hindu but was converted to Muhammadanism about 400 years ago. They still, however, as has been more than once held by the highest Court in the Bombay Presidency, retain their former law to such an extent in matters connected with property and succession that it is to be presumed to apply to them until the contrary is shown. This state of things has at times given rise to great difficulties in litigation between Khojás.

2. In the case of *Hirbai* v. *Gorbai*, 12 Bom. High Court Rep. 294, which appears to have occupied the Lower Court for twenty-four sitting days and the Appellate Court for four days, Sir Michael Westropp, C. J., after describing the state of the law, observed as follows :—

"It is, however, evident that the Khojás are not as firmly bound in matters of succession and inheritance by the Hindu law as Muhammadans proper are by the Muhammadan law and the Hindus by the Hindu law, and hence it is that it would not be reasonable to require such stringent proof of a custom of inheritance amongst them differing from ordinary Hindu law as from a Hindu.

"Now, it is manifest that such a state of the law must greatly encourage litigation, and we cannot help thinking that it would be most desirable that the Government should take steps, as was done in the case of the Pársís, to ascertain the views of the majority of the community on the subject of succession, and should then pass an enactment giving effect to those views. Unanimity, of course, could not be expected, but the rules which were found generally to prevail might be made law; and though the religious differences existing among members of the Khojá caste might create some difficulty, it would not, we think, be insuperable."

3. The Government of Bombay, acting upon this suggestion, appointed about the end of the year 1878 a Commission consisting of four gentlemen taken from the Shia division of the Khojás, which acknowledged His Highness the late Ágha Khán as its spiritual superior, one taken from the Sunni division, and Mr. Spencer, Acting First Judge of the Court of Small Causes, with the Hon'ble Mr. Justice Melvill, of the Bombay High Court, as president.

The Commission took the greatest pains to inform themselves of the customs and views of both divisions of the Khojá sect in the Presidency of Bombay and elsewhere, and after much consideration and discussion agreed upon a draft Bill, subject to a dissent on a few specific points which was signed by His Highness Aghá Alí Sháh, son of His Highness the late Ágha Khán, and Mr. Dhurrumsey Poonjabhoy but not by Mr. Jairajbhoy Peerboy and Mr. Rahimtula Syance, the two other Shia members of the Commission. That draft, having been submitted to the Government of Bombay by the president on the 23rd of December, 1879, and approved of by that Government, was forwarded to the Government of India, and forms the basis of the present Bill.

4. It will be convenient to refer to the provisions of the present Bill as nearly as possible in their order, noticing in their proper place the few points in regard to which His Highness Ágha Alí Sháh and Mr. Dhurrumsey Poonjabhoy differed from the majority of the Commission, and the points of substantive importance in which the present Bill deviates from the draft framed by the Commission.

5. The first provision calling for notice is section 2, which defines the application of the Act—a matter which was not clearly provided for in the Bill prepared by the Commission. The main enactment of the section is that succession to the property, whether moveable or immoveable, in British India of a Khojá dying on or after the first day of January, 1885, shall be regulated by the rules contained in the Act wherever he may have had his domicile at the time of his death. So far as regards immoveable property, this provision coincides with section 5 of the Indian Succession Act, but, as regards moveable property, it involves an important deviation from that section, inasmuch as it applies the Act to all successions to such property though the deceased person may have been domiciled outside British India at the time of his death.

As the rule, which makes the law of the domicile of a deceased person regulate the succession to his moveable property, is not merely the rule of the Indian Succession Act but has obtained very general acceptance elsewhere, it seems desirable to state the reasons which have led the Government of India to think that it is not suitable to the Khojá community.

6. The choice as regards succession to moveable property appears to lie between the law of the domicile of the deceased and the law of the *situs* of the assets. The objections urged against the latter in Western countries are chiefly that a man's moveables are apt to be scattered over many jurisdictions each having a readily ascertainable law of its own, and that accordingly, if the law of the *situs* is made applicable to them, his estate will be broken up into many fragments, all governed by different laws; that a man's moveables may change their place; that the most important class of them, goods employed in commerce, are constantly changing their place; and that accordingly, if the law of the *situs* is applied, it will be impossible for him to foresee the particular law under which they will fall upon his death; and lastly, that the rule of the law of the *situs* does not clearly provide for that portion of the assets which consists of debts or other obligations existing in favour of the deceased. To avoid these difficulties it has been

generally agreed to adopt the law of the domicile of the deceased for the whole of his moveable estate. Various attempts have been made to rest this rule on some *á priori* principle; but it would seem to have had its actual origin in mere considerations of convenience.

7. Looking to the arguments by which it is supported, and to the peculiar circumstances of the Khojá community, it is questionable, to say the least, whether such a rule would meet the requirements of their case. The places beyond the limits of British India, as, for example, Kutch, the Persian Gulf and Zanzibar, in which any considerable number of Khojás is to be found have no law such as can properly be called a territorial law of succession. The tribunals in such places, in so far as they make any rational attempt to apply a law at all, would apply the personal law of the parties, and that in the case of Khojás is *ex hypothesi* altogether unsettled and unascertainable. There is thus in the case of Khojás domiciled out of British India practically speaking no law of the *situs* of the foreign assets to conflict with the law which would apply to the British Indian assets, and no law of the domicile to which recourse could be had; and, therefore, to give the law of the domicile a preference over the Indian law would be simply to substitute a congeries of indefinite and half-established customs for a law, to the application of which there could be no reasonable objection.

It may be added that, in the absence of a law of the domicile, the case is very analogous to those cases in which it is impossible to fix the domicile of the deceased, and the solution which Lord Alvanley appears to have suggested in a case of this latter class was to fall back, as is proposed in this case, on the law of the *situs* of the property; in other words, to put moveables on the same footing as immoveables.

8. If this solution is adopted, and the Indian law is applied to all moveables left by a deceased Khojá in British India, without regard to his domicile, and if, moreover, the same rule is applied, as it naturally would be, in cases arising in Consular jurisdictions in the Persian Gulf, Zanzibar and elsewhere, this further advantage will probably in time be gained, that the law in British India will come to be adopted as a personal law applicable to Khojás in all foreign States in this part of the world.

9. The above remarks apply equally to intestate and to testamentary succession. A question might indeed be raised as to whether a testamentary disposition made beyond the limits of British India should as regards its form be made absolutely subject to British Indian law; but, seeing that the effect of taking any other course would certainly be to admit oral dispositions, it seems clear that the risk of failures of justice will be on the whole less by subjecting completely to our law all dispositions, wherever made, of moveable property in British India.

10. In connection with the definitions it is convenient to notice one of the few important questions on which any difference of opinion has arisen, namely, the question as to the status to be assigned to a woman who is not a Khojá but who is legally married to a Khojá according to the rules of the Muhammadan law, and to her children by him.

The Khojás of the Sunni Jamát, though apparently unwilling to go so far as to recognize any other than a Khojá widow as entitled to inherit from her husband, proposed that the sons of a Khojá by a wife who is not a Khojá should have some share in the inheritance. To this the Khojás of the Shia Jamát would not agree, and the Commission ultimately adopted as a compromise the plan of assigning to the offspring of the marriages in question a status nominally intermediate between those of legitimacy and illegitimacy and giving them in the definition-clauses the designation of "alien sons", but allowing them nothing more than illegitimate sons in the later sections of their Bill. It is stated that the Khojás as a rule are very exclusive and rarely take wives from outside their own community, and so long as this state of things continues the mode in which this point is dealt with is not of great practical moment; but there is an important principle involved, against which even the compromise adopted by the Commission appears to the Government of India to offend. The exclusion of the non-Khojá wife from inheritance and the degradation of her sons to a position altogether lower than that of the legitimate son involves a view as to restrictions on marriage which, even though it may have obtained acceptance with a majority of the Khojá sect, and though the Government has no desire to interfere with it, it is manifestly undesirable to have affirmed by the legislature. The present Bill will accordingly be found to contain no reference either in its definition-clauses or elsewhere to the so-called "alien son." It defines "son" to be a legitimate son and leaves "widow" undefined, and then proceeds to declare the rights of sons and widows, trusting to the Courts to decide, as they will on principles lying outside the law of succession, who are legally entitled to the status of sons and widows.

11. Chapter II of the Bill deals with "succession to the undivided property of a male Khojá dying intestate," and in the previous chapter "undivided property" has been defined as meaning "a share in property belonging to an undivided family." The Bill prepared by the Commission purported to define the phrase "undivided family," but the definition proposed has on inquiry been found to be unsafe. The undivided family among the Khojás appears to come into existence chiefly in connection with trade, and would seem to be an institution of a peculiar nature, somewhat resembling the undivided family among the Hindus; but, on the other hand, it is clear, from the rules laid down in certain sections of the Bill prepared by the Commission, and from the papers submitted with that Bill, that it differs in important respects from the Hindu undivided family. What exactly it is, and when property is to be regarded as its undivided property, it is difficult to ascertain from the papers before the

Government of India; but, judging from the analogous case in Hindu law, it would seem that these are matters which it would be almost hopeless to attempt to define in an Act of the legislature; nor does it appear to be necessary to define them in a Succession Act. It may well be assumed that a fundamental distinction which goes to the root of the family constitution, and which is not confined in its operation to matters of succession, but applies also *inter vivos*, is established outside this Bill. For these reasons, it has been thought best to make no attempt to define "undivided family" or "undivided property" in the present Bill.

12. It will be observed, on comparing Chapters II and III, that the only peculiarity connected with the intestate succession to undivided property is (section 6) that, in default of legitimate lineal male descendants of the intestate within the fourth degree, the property is equally divided among all the male members of the undivided family living at his death.

13. Chapter III of the Bill treats of "succession to the separate property of a male Khojá dying intestate," and the order of succession marked out in sections 7 to 20 will be found to be based on that of the Hindu law.

The subjoined statement has been prepared by the Hon'ble Mr. Melvill, the President of the Commission, with a view to showing at a glance the extent to which the two differ—

Order of succession according to Hindu law.	*Order of succession for Khojás proposed by the Bill.*
1. Sons.	1. Sons.
2. Grandsons.	2. Grandsons.
3. Great-grandsons.	3. Great-grandsons.
4. Widow.	4. Great-great-grandsons.
5. Daughters.	5. Father.
6. Daughters' sons.	6. Mother.
7. Mother.	7. Widow.
8. Father.	8. Daughters.
9. Brothers.	9. Daughters' sons. }
10. Half-brothers.	10. Brothers. }
11. Brothers' sons.	11. Sons' daughters.
12. Half-brothers' sons.	12. Brothers' sons.
13. Grandmother.	13. Half-brothers.
14. Sister (under the Mayukha).	14. Half-brothers' sons.
15. Grandfather.	15. Grandfather.
16. More distant relatives.	16. Grandmother.
	17. Paternal uncle.
	18. Sister.
	19. More distant relatives.

"It will be seen," Mr. Melvill observes, "that the only very noticeable point of difference is that among the Khojás the father and mother are elevated to a rank in the order of succession superior to that of the widow. This precedence of the mother has been judicially settled in the case of *Hirbai* v. *Gorbai**, already referred to; and although the Khojá members of the Commission were not unanimously in favour of the view taken in that case, they all agreed that, having once been judicially determined, the rule should not be disturbed."

* Reported 12 Bom. H. C. Rep., 294.

14. Section 20 of the present Bill differs in one important particular from the corresponding section (29) of the Bill prepared by the Commission.

The latter admitted to the succession only those of the "more distant relatives" of the intestate who were on the father's side, and confined it to such of them as are within the seventh degree of kindred. On failure of this limited class of distant kindred, section 42 gave the property "to the Jamát of that sect of the Khojás to which the intestate belonged at the time of his death, to be held and applied according to the customs of the said Jamát." Even this did not satisfy the two dissenting members of the Commission and some of the other adherents of His Highness the late Aghá Khán, who, as Imám, was the person chiefly interested in the succession of the Jamát. They contended that the Jamát should come in immediately after the nearer relations.

The Government of India, after fully considering this point in communication with the local authorities, have come to the conclusion that it is impossible to exclude the heirs of a deceased person in favour of any such institution as a "Jamát," or any person or authority representing such an institution. It is open to any Khojá who desires that his property should be devoted to any charitable or religious purpose, or should be enjoyed by any spiritual person for whom he entertains a special veneration, to dispose of his property by will or otherwise in accordance with law, but, if he dies intestate, it would be contrary to all established principles to enact that his property should devolve otherwise than upon his relatives.

15. Apart from this fundamental objection in point of principle, there appear to be practical objections to the proposal as formulated by the Commission. The Jamát is said to be an assembly in council of all the adult male members of the Khojá community of the place, and it is not unlikely that doubts would arise, in connection with matters of religious belief, residence, attendance at the Jamát, and so forth, as to the particular Jamát (if any) to which the deceased person belonged. Similar doubts might also arise as to who were the other persons actually belonging to the Jamát to which the deceased belonged, so as to take the property. There might further be doubts as to how the property of a deceased intestate Khojá is to be held,

and the objects to which it is to be applied. It is true that the section proposed by the Commission says that the property is to be held and applied "according to the customs of the said Jamát." But from a judgment of Sir J. Arnould in the case marginally noted, it would appear that there are no customs to look to. Though a Jamát collects large sums of money through its officers, it only does so on behalf of the Imám; the money collected is passed on to him; and if the Jamát wants any portion of it, even for the expenses of its Jamát-kháná (the council-hall or guildhall of the community), it can procure it only as a grant from the Imám. It appears to be absolutely in the discretion of the Imám to spend the money as he pleases, and as a matter of fact he spends a large portion of it, or at least is said by Sir J. Arnould to have done so at the time the judgment was delivered, on his own private purposes. Indeed, in a set of draft rules of succession for Shia Khojás submitted by His Highness Ágha Alí Sháh the succession of the Jamát is treated as the same thing with the succession of the Imám. The Jamát, therefore, does not seem to have any property or control over property, and it is not clear how there can be any custom governing the application of property by it. It has been argued that no such difficulties as those suggested ordinarily arise at present, but it would be clearly impossible to put the succession of the Jamát on a legislative basis without defining its conditions and incidents, and it would be equally impossible to place the property at the absolute disposal of any individual in whatever degree of veneration he might be held.

Dayá Muhammad and others versus *H. H. Aghá Khán and others* (page 323 of the Bombay High Court Reports, Vol. XII).

16. For these reasons section 20 of the present Bill extends the succession to relatives of the intestate both on the father's and on the mother's side without limit of degree, and it may be added that section 18 applies the ordinary rule, which makes the Crown the ultimate heir, in the rare case in which an owner of property may die intestate and leave no person entitled to succeed under the previous sections.

17. Section 21 is one of the leading sections of the Bill. It provides in effect that, when a female inherits under any of the foregoing sections, she shall, if certain near male relatives are living and are thus postponed to her, take the property only as "restricted owner"—a position to be presently explained at length. With this section should be read section 49, from which it will be seen that in other cases she takes the same interest in the property and has the same powers in respect of it as if she were a male.

18. Chapter IV treats of succession to the absolute property of a female Khojá dying intestate, that is to say, the succession to such of her property as belongs to her otherwise than as restricted owner. The provisions of this chapter call for no remark. Mr. Melvill states that they differ from the Hindu law but that they are approved by all classes of the Khojás, and are not, he thinks, open to any objection. The particulars in which they deviate from the Hindu law or the reasons for the deviations are not explained. They have been accepted by the Government of India as settled by the Commission, such details only being filled in after consultation with the local authorities as seemed necessary to give effect to what is understood to be the intention of those who framed them.

19. Chapter V, which treats of "property which a female takes as restricted owner and the further succession to the same," calls for more detailed notice.

It applies not only in the ordinary case of property taken by a female as restricted owner under Chapter III (*supra*, paragraph 17), but also in cases where she may take a similar interest in property under section 23 (2), section 24 (1), section 27 and section 39.

Its provisions are merely a development, with the requisite amplifications and with the addition of the necessary machinery, of the corresponding provisions of the Bill framed by the Commission. It has been settled in consultation with the local authorities and with a view to giving effect to what are understood to be the views of the Commission; but, having regard to the novelty and complication of the subject, it is not unlikely that when subjected to criticism it will be found susceptible of improvement in many particulars.

The limited estate taken by a Khojá female under this Bill resembles the estate taken by a Hindu widow, but there are many important differences between them. Mr. Melvill observes that the Khojá female estate is the more restricted of the two, but on this point he says the Khojás hold very strong views which he is of opinion must be respected.

20. In proceeding to notice the details of the chapter, the first point calling for attention is the phrase "restricted owner." It has been chosen merely on the ground that it is new and connotes nothing, and it is not unlikely that some more appropriate phrase may be suggested. The phrase "life-estate" and its correlative "reversion," used in the Bombay Bill, are not only open to the objection that ordinarily lies against all terms imported from another legal system, but further, as has been constantly observed of them in the case of the Hindu widow's estate, they suggest an altogether false analogy. The position, if it is necessary to illustrate it by reference to English law, is rather like that of a fee-simple estate subject to an executory devise.

21. As regards the attempt made in the Bill to define the estate, it will be observed that section 28 enacts that the female shall be absolutely entitled to the use of, and the income accruing from, the property during her life, and, except as otherwise provided by the Act, shall have all the other rights and powers of an absolute owner.

An objection has been taken to this on the ground that money saved by a widow from the income of the property should not belong to her absolutely but should go to her husband's heirs.

This contention is not based on any alleged actual practice, but is put forward merely as a "necessary consequence of the invariable custom" which limits the widow's interest in the *corpus* of her husband's property to the time during which she remains unmarried.

Now, not only is it not a necessary consequence of the custom in question, but it is, as admitted by the objectors themselves, in a certain sense illogical; for why should a person who has absolute power to dispose of the income as it comes in, in whatever way she pleases, be restricted from dealing with her savings from it?

Again, the only effect of adopting the proposed suggestion would, as the objectors themselves admit, generally be that the widow would squander the income as it came in; and, in the rare cases in which she allowed some of it to accumulate, the probability is that litigation would result from the difficulty of identifying the fund and separating it from the rest of her property. For these reasons the section has been allowed to stand.

22. Section 30 defines the obligations of the restricted owner as regards—

(*a*) the preservation of the substance of the property for those who are to come after her; and

(*b*) the protection of the title.

As regards "waste," it stands on a footing altogether peculiar in the case of the Hindu widow; and clause (*a*) of this section has been drawn with a view to placing it on a somewhat similar footing in the case of the restricted owner.

23. As regards the powers of alienation, in the limitations on which the restricted nature of the estate chiefly consists, the only powers of alienation for any time beyond the life of the restricted owner allowed to her by the Bill, besides a limited power of leasing conferred by section 29, are those specified in section 31, which runs as follows:—

Restricted owner's power of transfer.

"31. A female taking property as restricted owner shall have power to transfer the same, so that the transfer may have effect beyond her life, when, the income being insufficient, such transfer is necessary in order to raise money for any of the following purposes, namely:—

"(*a*) to discharge any of the obligations imposed by section 30;*

* *Viz.*, obligations to preserve the substance of the property and protect the title.

"(*b*) to discharge the debts of the absolute owner from whom the property descended;

"(*c*) to provide for the maintenance of any persons entitled under this Act to have their maintenance provided for out of the property, for the payment of any marriage expenses or funeral expenses payable under this Act out of the property, and for the performance of any ordinary family ceremonies; and

"(*d*) to support herself where she has no other sufficient means of support."

24. It has been urged by the two dissenting members of the Commission and by some other adherents of His Highness the Imám that a mother taking a restricted estate should have larger powers of alienation and that she or a widow taking a like estate should be empowered to alienate for religious objects; that is, as explained in the set of draft rules submitted by His Highness Aghá Alí Sháh, to give the property to the Imám; but, upon considering the arguments adduced and consulting the local authorities, the Government of India have determined to uphold the decision of the majority of the Commission, which is against the concession of any such powers.

25. In order to avoid as far as possible the great difficulties which arise in the case of a Hindu widow exceeding her power of alienation, an alienation in excess of the power has (section 29 of the Bill) been made absolutely void for any period beyond the restricted owner's life, except where the purchaser takes for consideration and without notice of the ownership being restricted. This, no doubt, standing alone, would place too great difficulties in the way of alienation; but sufficient relief will probably be afforded by the power to apply to a Court for sanction, which is given by section 32. It may be objected that it is undesirable to force people to resort to a Court in such matters; but the case is one of a choice of evils, and it is probably better that they should resort to the Court in every case where there is any room for doubt than run the risk of being involved in troublesome and expensive litigation later on.

A Court dealing with an application under section 32 is empowered (section 33) to accord its sanction to the transfer subject to the condition that the money thereby raised shall be paid into Court or to trustees appointed by the Court, and to give such further directions as it may think fit with a view to ensuring that the money shall be applied to the purpose for which it is raised, or that any balance that is not so applied shall be secured for the benefit of those entitled after the restricted owner.

26. It will be observed that no provision is made in the draft for alienation with the consent of the so-called "reversioners." This matter is one which gives rise to great difficulties in the case of the Hindu widow, and it seems impossible, having regard to the system of succession established by the Bill, to provide for it in any satisfactory manner. If provision had only to be made to meet the case of "reversioners" who claim under section 37 (1) and section 38 (3) by descent from the last absolute owner, the matter would be much simpler than in the case of the Hindu widow, inasmuch as these "reversioners" would always be known living persons or persons who would claim through them; but there are, besides these, the "reversioners" mentioned in section 38 (1) and (2), and it is thus impossible to fix upon any person whose consent would be sufficient.

27. Further, even if we were, as has been suggested, to waive this objection, and accept the consent of a merely presumptive "reversioner," there is another difficulty, namely, that the presumptive "reversioner" might (see section 39 of the Bill) be another restricted owner, possibly an old woman on the verge of the grave, whose prospect of succeeding would be extremely small. There might be several such persons intervening between the restricted owner and the first person who would take as absolute owner. We could hardly rest satisfied with anything short of the consent of this last person and all the intervening ones, and thus we should be landed in a considerable complication, leading in many cases to no very satisfactory result, inasmuch as the interest of the first person who would take as absolute owner, and to whose consent we would chiefly look, would often be of a remotely contingent nature. It is, of course, on economical grounds desirable to provide a means of freeing the property from the limited ownership, but the advantage would be dearly purchased if the basis of the purchaser's title were to be complicated in this way.

28. As regards the sale of property in execution of a decree against a restricted owner, it will be seen that the effect of section 34 of the Bill is that a person lending money for any of the purposes mentioned in section 31 can sell in execution nothing more than the so-called "life-interest" of the restricted owner, unless his loan is secured by a mortgage. The position of the restricted owner as regards anything beyond her so-called life-interest is, in fact, in this particular, somewhat similar to that of an English executor with power to charge the real estate. If it were otherwise, there might arise, in cases of execution for unsecured debts, the same difficult questions which the preceding sections are intended to shut out in cases of voluntary alienation.

29. It will be observed that, by sections 37 (2) and 38 (4) of the Bill the Crown is postponed to the general heirs of the restricted owner. This appears to be right, though it is gathered from the case of *The Collector of Masulipatam* v. *Cavaly Vencata Narrainapah* (8 Moo. I. A. 529),—this precise point was not there decided,—that it is otherwise in the case of a Hindu woman's estate.

30. Sections 35 and 36 in effect provide that the restricted owner shall represent the property in judicial proceedings and compromises of disputes and for the purposes of laws of limitation and prescription, so as to bind those who take after her.

31. Sections 37 to 39, which regulate the devolution of property after the death of the restricted owner, have been drawn with a view to carry out what is understood to be the intentions of the Commission.

Their main provisions are that—

(*a*) when the restricted owner dies unmarried, the property shall belong to the person to whom it would then have belonged if she had died before the absolute owner from whom it descended and it had descended under the Act without having been alienated, and in default of such person it shall descend as if the female were not a restricted owner; and

(*b*) when the restricted owner has been married, the property shall on her death go to certain of her descendants, and if there are no such descendants shall devolve as just stated.

32. From section 39 it will be seen, as already observed, that property may devolve upon two or more restricted owners in succession. This is to be regretted, but it seems to be an essential part of the scheme.

33. Section 40 regulates the legal relations arising where two or more widows of a deceased Khojá take his property together as restricted owners, and provides that there shall be a right of survivorship between them.

34. Section 41 provides that a widow marrying again after her husband's death shall not be entitled to take as restricted owner his property or any property of any of his lineal descendants which has descended to them from him, and that, if a widow taking any such property as restricted owner subsequently marries again, she shall be deemed for the purposes of certain sections of the chapter to have died. One effect of this latter provision is that the restricted ownership of the widow ceases on her re-marriage.

35. Coming now to Chapter VI, relating to the wills of Khojás, it will be observed that all matters connected with probate and letters of administration are in the case of Khojás, as in the

case of other persons not subject to the Indian Succession Act, left to be dealt with under the Probate and Administration Act, 1881. The result of this is that the matters remaining to be provided for under this chapter are in the main the same as those which are provided for by the Hindu Wills Act, 1870, as amended by the Act just mentioned; and, as a matter of fact, the specification of the sections of the Indian Succession Act made applicable to the wills of Khojás by this chapter is based on the specification contained in the Hindu Wills Act as cut down by the Probate and Administration Act, 1881. There are, however, some important differences between the two which call for explanation here.

36. The most important of these differences is connected with the limitation on the powers of testamentary disposition. The specification of the sections of the Indian Succession Act applicable to Hindus, &c., contained in the Hindu Wills Act comprises several sections which either confer, or assume the existence of, a power of disposition in favour of unborn persons, but the Act contains a proviso to the effect that nothing therein contained shall authorize any Hindu, &c., to create in property any interest which he could not previously have created, and the Calcutta High Court have held in the recent case of *Alangamonjori Dabee* v. *Soonamoni Dabee* (I. L. R. 8 Cal. 637) that the effect of that proviso is to cut down the power of disposition, which the sections in question confer or assume to exist, to the limits imposed on a testator by the Hindu law, that is to say, as held in the well-known *Tagore* case, to a mere power of disposition in favour of persons who are either in fact or in contemplation of law in existence at the death of the testator.

37. It will be seen, on reference to the report of *Alangamonjori Dabee's* case, that, though there was no difference of opinion in the Appellate Court which finally heard it, much difficulty arose from the form in which the Hindu Wills Act had been drafted, and that the learned Judge in the Court below had been led by this to take the opposite view. This being so, it was obvious that the drafting of the Hindu Wills Act could not be followed in this particular. Moreover, it was seen that to adopt this form of drafting would in a considerable number of cases expose the testamentary dispositions of Khojás to be called in question for reasons drawn or supposed to be drawn from the extremely vague and unsettled customary law now prevailing among them, and thus the object of the present measure, which is intended to supply a definite body of law, would be to a great extent defeated. It was accordingly resolved to enact directly either that a Khojá's power of testamentary disposition should be co-extensive with that allowed by the Indian Succession Act, or should be limited somewhat in accordance with the ruling in the *Tagore* case.

38. It was clear that the question as to which of these courses should be adopted stood on grounds altogether independent of those on which the perpetuity question among Hindus had been discussed. The considerations with reference to which it should, in the opinion of the Government of India, be decided will be best seen from the remarks made on referring it to the local authorities for opinion. It was observed that the point was one in regard to which there was no recognized definite rule among the Khojás, and that if, having regard to the family system of that sect and its requirements in this particular, it was considered that it would be desirable to confer upon Khojás a power of disposition as large as that conferred by the Succession Act, the Governor General in Council would be prepared to confer that power; that the circumstance that, in the absence of any other rule, the Courts presume the Hindu law to be applicable to Khojás, and so might possibly, if the question then arose, hold a Khojá testator limited by the rule in the *Tagore* case, ought not, in the opinion of the Governor General in Council, to be permitted to stand in the way of such legislation. "The Government of India," it was said, "has ever been reluctant to alter, by legislation, personal laws like those of the Hindus and Muhammadans, which are definitely ascertainable and are established on a religious or *quasi*-religious basis; but a rule of Hindu law, which is applied not as such, but merely by virtue of the presumption above referred to, in the absence of any other ascertainable rule, to persons who are by religion not Hindus but Mussulmans, stands in its application to such persons on a totally different footing; and, if it appears expedient to set it aside as regards them, there need be no hesitation about doing so. The rule of the *Tagore* case, assuming that it would at this moment be applied by the Courts to Khojás, is as applied to them no more sacred or immutable than any of the other rules of Hindu law which at this moment may be applicable to Khojás, but which will be modified by the Bill if it becomes law. No difficulty will, therefore, be raised here on this score."

If, on the other hand, it was observed, it should appear that the rule prohibiting dispositions in favour of unborn persons had, as a matter of fact, been recognised and observed among the Khojás, or if, there being no recognized rule or established practice either way, it should be considered that the powers of disposition allowed by the Succession Act were larger than were needed for the requirements of Khojás, it would probably be desirable to limit the power of disposition in some such way as it is limited by the Hindu law as interpreted in the *Tagore* case. The system of intestate succession established by the Bill was in certain respects a complicated one; and if to this were to be added a power of making complicated dispositions by will, it was to be feared that we should bring about, in regard to the property of this wealthy and important sect, a state of things which it was desirable if possible to avoid.

39. The reply of the local authorities was to the effect that, as far as appeared, there was no recognized definite rule among the Khojás bearing on the point; that it was unlikely that

any attempt had hitherto been made among them to create by will an interest in favour of an unborn person; that there was thus a *tabula rasa;* and that it was quite open to the legislature to legislate on the subject as it thought best without any fear of violating an existing custom or of running counter to any prejudice or desire of the Khojá community.

This being so, the Government of India have come to the conclusion that it is undesirable to confer on Khojás any power of testamentary disposition in favour of persons not in existence at the time of the testator's death; and accordingly all portions of the Indian Succession Act which confer, or assume the existence of, such a power have, as far as practicable, been omitted, a proviso at the same time being inserted to the effect that a bequest by a Khojá in favour of any person who has not come into existence at the death of the testator shall be void.

40. The remaining differences between this Bill and the Hindu Wills Act as regards the provisions of the Indian Succession Act applied by them are of less importance.

It may, however, be stated that the following additional provisions of the Succession Act have been made applicable, namely:—

(*a*) section 47, giving a father power to appoint a guardian by will—a power the existence of which was assumed by the Commission;

(*b*) sections 52 and 53, relating to privileged wills;

(*c*) section 84, which provides that, when property is bequeathed to a person and words are added which describe a class of persons but do not denote them as direct objects of a distinct and independent gift, such person is entitled to the whole of the interest of the testator therein unless a contrary intention appears by the will;

(*d*) section 104, which limits directions for accumulation.

It should be added that section 187 of the Indian Succession Act, which provides that no right as executor or legatee can be established until a grant of probate or letters of administration is obtained, has been omitted for reasons similar to those which led to its being ultimately omitted from the Probate and Administration Act, 1881; and that sections 134 and 135, determining whether property bequeathed to two or more persons in succession should when its value is liable to decrease be retained in its original form, have been omitted, as it seems safer in this country to lay down no hard-and-fast rules on the subject.

41. The only other point calling for notice in connection with this chapter is that section 43, following the proviso to section 10 of the Transfer of Property Act, confers a power of bequeathing property to or for the benefit of a woman, so that she shall not have power to transfer or charge the same or her beneficial interest therein. The existence of such a power appears to have been assumed in the Bill prepared by the Commission.

43. Chapter VII, relating to maintenance and marriage and funeral expenses, calls for little notice. There was some obscurity about the corresponding provisions of the Bill prepared by the Commission, and this chapter has now been settled in accordance with what is understood from the local authorities to have been the original intention. It is believed that the only change of a substantive nature made here is in section 46, where provision has been made for the maintenance, &c., of a daughter while she remains unmarried. The chapter, however, will probably be found open to further amendment when it has been more fully considered.

43. Section 47, which provides for the recovery of sums due under this chapter, has been drawn with a view to precluding, as far as possible, the difficulties which have arisen under the Hindu law in regard to claims for maintenance, and in particular as to how far a person having a right to maintenance is entitled to follow the property of the deceased. As regards this last point, it has been thought best to place the claim for maintenance, &c., on the footing of a debt, postponing it, however, to debts proper. This will not absolutely remove all difficulty, but, by bringing the case within an existing class, it will avoid the creation of a new difficulty.

The 1st July, 1884.

C. P. ILBERT.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 26, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th July, 1884, and was referred to a Select Committee :—

No. 8 OF 1884.

THE KHOJÁ SUCCESSION BILL, 1884.

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SCHEDULE.—PORTIONS OF THE INDIAN SUCCESSION ACT (X OF 1865) MODIFIED FOR APPLICATION TO WILLS MADE BY KHOJÁS.

Explanation of abbreviation used in the margin.

"Bo. Bill" refers to the draft Bill prepared by the Commission and received with the letter from the Government of Bombay, No. 216, dated 14th January, 1880.

A Bill to amend and define the law of Testamentary and Intestate Succession to Khojás.

WHEREAS it is expedient to amend and define the law applicable to testamentary and intestate succession to Khojás; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Khojá Succession Act, 1884; and it shall extend to the whole of British India.

Short title. Local extent.

2. Except as provided by any other law for the time being in force, succession to the property, whether moveable or immoveable, in British India of a Khojá dying on or after the first day of January eighteen hundred and eighty-five shall be regulated by the rules contained in this Act, wherever he may have had his domicile at the time of his death. [Act X of 1865, s. 5.]

Application.

Explanation.—Property in British India includes obligations enforceable there.

3. (*1*) In this Act, unless there is something repugnant in the subject or context,— [Bo. Bill, s. 3.]

Definitions.

"son" means a legitimate son, and does not include an adopted son:

"grandson" means a son's son:

"great-grandson" means a grandson's son:

"daughter" means a legitimate daughter:

"father" and "mother" do not include step-father and step-mother:

"grandfather" and "grandmother" do not include a father's step-father or step-mother:

"brother" and "sister" do not include step-brother and step-sister, nor half-brother and half-sister:

"half-brother" means son of the same father but by another wife:

"lineal male descendant," used with reference to any person, means a male descended from that person through males only: [New.]

"degree" means a degree of kindred computed according to the rules laid down in sections 21, 22 and 24 of the Indian Succession Act, 1865, and the table of consanguinity thereto annexed: X of 1865. [Home Dept. Office Memo. dated 12th August, 1882, para. 7.]

"undivided property" means a share in the property belonging to an undivided family:

"restricted owner," used with reference to any property, means a female acquiring that property in the manner specified in section 21, section 23, sub-section (2), section 24, sub-section (1), section 27 and section 39. [New.]

(*2*) When it is provided in this Act that the members of any class shall take property and the shares which they are respectively to take therein are not specified, they shall take equal shares therein.

4. For the purposes of this Act there shall be no distinction between ancestral and self-acquired property, nor between moveable and immoveable property, nor between those born in the lifetime of a deceased owner of property and those who at the date of his death were only conceived in the womb, but who have been subsequently born alive. [Bo. Bill, s. 7.] [Act X of 1865, s. 28.]

No distinction between ancestral and self-acquired, nor between moveable and immoveable, property. Child in womb.

The Khojá Succession Bill, 1884.

(Chapter II.—Of Succession to the Undivided Property of a Male Khojá dying intestate.—Sections 5-6.)

(Chapter III.—Of Succession to the Separate Property of a Male Khojá dying intestate.—Sections 7-20.)

CHAPTER II.

OF SUCCESSION TO THE UNDIVIDED PROPERTY OF A MALE KHOJÁ DYING INTESTATE.

[Bo. Bill, ss. 8-12.]

5. (*1*) When a male Khojá owning undivided property dies intestate in respect of that property, leaving legitimate lineal male descendants not more remote than the fourth degree, every such descendant shall be entitled to a share in that property unless one of the persons through whom he is descended from the intestate is living.

Where there are lineal male descendants within fourth degree.

(*2*) When the sharers under sub-section (1) all stand in the same degree of kindred to the intestate, their shares shall be equal.

[Act X of 1865, s. 33.]

(*3*) When the sharers under sub-section (1) do not all stand in the same degree of kindred to the intestate, the property shall be divided into such a number of equal shares as will correspond with the number of the sharers who stood in the nearest degree of kindred to him at his decease, and of his lineal male descendants of the like degree of kindred who died before him, and through whom the other sharers are descended from him; and one such share shall be allotted to each of the sharers who stood in the nearest degree of kindred to the intestate at his decease; and one such share shall be allotted in respect of each such deceased male descendant; and the share allotted in respect of each such deceased male descendant shall be divided among the sharers descended through him, in such manner that the sons of any person shall always take that which their father would have been entitled to if he had survived the intestate.

[Bo. Bill, s. 18.]

6. In default of legitimate lineal male descendants as aforesaid, the property of the intestate shall be divided equally among all the male members of his undivided family living at his death.

Where there are no lineal male descendants within fourth degree.

CHAPTER III.

OF SUCCESSION TO THE SEPARATE PROPERTY OF A MALE KHOJÁ DYING INTESTATE.

[Bo. Bill, s. 16.]

7. When a male Khojá owning property, not being undivided property, dies intestate in respect of that property, leaving legitimate lineal male descendants not more remote than the fourth degree, the property shall descend in the manner provided in section 5.

Where there are lineal male descendants within fourth degree.

[Bo. Bill, s. 17.]

8. In default of legitimate lineal male descendants as aforesaid, the intestate's father shall succeed to the property.

In default of such lineal male descendants, property to belong to the intestate's father.

[Bo. Bill, s. 18.]

9. In default of the father, the intestate's mother shall succeed to the property.

In default of the father, to the mother.

[Bo. Bill, s. 19, see *infra*, s. 34.]

10. In default of the mother, the widow or widows of the intestate shall succeed to the property.

In default of the mother, to the widows.

[Bo. Bill, s. 20.]

11. In default of widows, the daughters of the intestate shall succeed to the property.

In default of widows, to the daughters.

[Bo. Bill, s. 21.]

12. (*1*) In default of daughters, the sons of daughters shall succeed to the property, the sons of each daughter taking an equal share:

In default of daughters, to daughters' sons and to brothers.

Provided that, if the intestate has left brothers surviving him, the daughters' sons shall succeed to a moiety of the property, the sons of each daughter taking an equal share, and the brothers shall take the other moiety.

(*2*) In default of daughters' sons, the brothers shall take the whole of the property.

[Bo. Bill, s. 22.]

13. In default of brothers, the daughters of the intestate's sons shall succeed to the property, the daughters of each son taking an equal share.

In default of brothers, to sons' daughters.

[Bo. Bill, s. 23.]

14. In default of sons' daughters, the sons of the intestate's brothers shall succeed to the property, the sons of each brother taking an equal share.

In default of sons' daughters, to brothers' sons.

[Bo. Bill, s. 24.]

15. In default of brothers' sons, the half-brothers of the intestate shall succeed to the property.

In default of brothers' sons, to half-brothers.

[Bo. Bill, s. 25.]

16. In default of half-brothers, the sons of half-brothers shall succeed to the property, the sons of each half-brother taking an equal share.

In default of half-brothers, to half-brothers' sons.

[Bo. Bill, s. 26.]

17. In default of sons of half-brothers, the paternal grandfather shall succeed to the property; and in default of the paternal grandfather, the paternal grandmother shall succeed to it.

In default of half-brothers' sons, to the grandfather; and in default of the grandfather, to the grandmother.

[Bo. Bill, s. 27.]

18. In default of the paternal grandmother, the paternal uncles shall succeed to the property.

In default of the grandmother, to paternal uncles.

[Bo. Bill, s. 28.]

19. In default of paternal uncles, the sisters of the intestate shall succeed to the property.

In default of paternal uncles, to sisters.

[Bo. Bill, s. 29.]

20. In default of sisters, the property shall belong to those of the intestate's relatives on the father's side who stand in the nearest degree of kindred to the intestate; and, in default of relatives on the father's side, to those of the intestate's relatives on the mother's side who stand in the nearest degree of kindred to the intestate:

In default of sisters, to the nearest of kin.

Provided that no female relative shall be entitled to share in the property if there is a male relative standing on the same side in the same degree of kindred to the intestate.

The Khojá Succession Bill, 1884.

(Chapter IV.—Of Succession to the Absolute Property of a Female Khojá dying intestate.—Sections 23-27.)

(Chapter V.—Of Property which a Female takes as Restricted Owner, and the further Succession to the same.—Section 28.)

[Bo. Bill, s. 33. See *sec.* 48, *infra.*]

When female takes as restricted owner under foregoing sections.

21. If, at the death of the intestate, any of the male heirs mentioned in sections 7 to 18 (both inclusive), or any male relative of the intestate on the father's side not more remote than the seventh degree of kindred to the intestate, is living, a female succeeding under any of the foregoing sections shall take the property as restricted owner.

[Bo. Bill, s. 30.]

Widow's right to retain possession of ornaments.

22. When a male Khojá dies intestate in respect of any ornaments belonging to him, and not being undivided property, which are in the possession of his wife with his consent, and the wife does not acquire the ownership, whether absolute or restricted, of the ornaments under this Act, she shall be entitled to retain possession of them until she dies or re-marries.

CHAPTER IV.

OF SUCCESSION TO THE ABSOLUTE PROPERTY OF A FEMALE KHOJÁ DYING INTESTATE.

[Bo. Bill, s. 38.]

Descent of unmarried female's absolute property.

23. (*1*) When an unmarried female Khojá owning property otherwise than as a restricted owner dies intestate in respect of that property, it shall belong to her brothers; in default of brothers, to her father; in default of the father, to her mother; in default of the mother, to the relatives of the intestate on the father's side who stand in the nearest degree of kindred to the intestate; and, in default of such relatives, to the relatives on the mother's side who stand in the nearest degree of kindred to the intestate.

[Bo. Bill, ss. 32 & 33.]

(*2*) If at the death of the intestate any male relative of the intestate on the father's side not more remote than the seventh degree of kindred to the intestate is living, a female succeeding under this section, whether in preference to or together with that male relative, shall take the property as restricted owner.

[Bo. Bill, s. 40.]

Descent of married female's absolute property.

24. (*1*) When a married female Khojá owning property otherwise than as restricted owner dies intestate in respect of that property, it shall belong to her sons and daughters; and the daughters shall take it as restricted owners.

[Bo. Bill, s. 32.]

(*2*) In default of sons and daughters, the property shall, except as provided in sub-section (*3*), belong to her husband.

(*3*) If the property has been given to the female on the occasion of her marriage separately from the "Dej" for her sole use and benefit by her parents or relatives, it shall, in default of sons and daughters, belong—

(*a*) to her father; and

(*b*) in default of the father, to the person to whom it would then have belonged if it had been the property of the father at his death and had descended without having been alienated.

(*4*) A female taking property under clause (*b*) of sub-section (3) shall not take it as restricted owner.

[Bo. Bill, s. 37.]

Descent of absolute property of widow or divorced female leaving lineal descendants within the fourth degree.

25. (*1*) When a female Khojá, being a widow or divorced and owning property otherwise than as restricted owner, dies intestate in respect of that property, leaving legitimate lineal descendants not more remote than the fourth degree, every such descendant shall be entitled to a share of the property unless one of the persons through whom he is descended from the intestate is living.

(*2*) When the sharers under sub-section (1) all stand in the same degree of kindred to the intestate, their shares shall be equal.

[Act X of 1865, s. 33.]

(*3*) When the sharers under sub-section (1) do not all stand in the same degree of kindred to the intestate, the property shall be divided into such a number of equal shares as may correspond with the number of the sharers who stood in the nearest degree of kindred to her at her decease, and of lineal descendants of the like degree of kindred who died before her and through whom the other sharers are descended from her; and one such share shall be allotted to each of the sharers who stood in the nearest degree of kindred to the intestate at her decease; and one such share shall be allotted in respect of each such deceased descendant; and the share allotted in respect of each such deceased descendant shall be divided among the sharers descended through him, in such manner that the children of any person shall always take what that person would have been entitled to if he had survived the intestate.

[Bo. Bill, s. 37.]

Where there are no such lineal descendants.

26. (*1*) In default of the descendants mentioned in section 25, the property shall belong to the brothers of the intestate; in default of brothers, to her father; in default of the father, to her mother.

(*2*) In default of the mother, the property shall belong to the relatives of the intestate on the father's side who stand in the nearest degree of kindred, and, in default of such relatives, to the relatives of the intestate on the mother's side who stand in the nearest degree of kindred.

[Bo. Bill, s. 32.]

When female taking under section 25 or 26 takes as restricted owner.

27. If, at the death of the intestate, any of the male heirs mentioned in section 25 and the first sub-section of section 26, or any male relative of the intestate on the father's side not more remote than the seventh degree of kindred to the intestate, is living, a female succeeding under section 25 or section 26, whether in preference to or together with that heir or relative, shall take the property as restricted owner.

CHAPTER V.

OF PROPERTY WHICH A FEMALE TAKES AS RESTRICTED OWNER, AND THE FURTHER SUCCESSION TO THE SAME.

[Bo. Bill, s. 3; "life-estate," "stridhan."]

Nature of restricted ownership generally.

28. A female taking property as restricted owner shall be absolutely entitled to the use of, and the income accruing from, that property during her life, and, except as otherwise provided by this Act, shall have all the other rights and powers of an absolute owner in respect of that property.

The Khojá Succession Bill, 1884.

(Chapter V.—Of Property which a Female takes as Restricted Owner, and the further Succession to the same.—Sections 29-36.)

[Bo. Bill, s. 3; "life-estate."]

Powers of alienation limited.

29. Except as provided by section 31, no right to, over or in respect of property created by a restricted owner of that property shall have effect for any time beyond her life:

[New.]

Provided that nothing in this section shall affect a lease granted at a fair rent for a term not exceeding twenty years, and without payment of any fine or premium, or a right created for consideration in favour of a person acting in good faith, and without notice of the ownership being restricted.

[Act II of 1882, s. 3.]

Explanation.—A person has notice of the ownership being restricted when he actually knows that it is restricted, or when, but for wilful abstention from enquiry or gross negligence, he would have known it, or when information of it is given to, or obtained by, his agent under the circumstances mentioned in the Indian Contract Act, 1872, section 229.

IX of 1872.

Obligations of restricted owner.

30. A female taking property as restricted owner shall be bound, so far as it is possible for her to do so without applying her other property for that purpose,—

(*a*) to preserve the substance of the property without any material alteration, deterioration or diminution except such as may be essential to the realization of the full income of it in a reasonable manner, and to deal with it in all respects as carefully as a person of ordinary prudence would deal with property which he hoped to transmit in good condition to his heirs; and

[Act II of 1882, s. 13.]

(*b*) to make such payments, institute, maintain and defend such suits and other proceedings, and take such other steps as, regard being had to the nature and amount or value of the property, may be reasonably requisite for the assertion and protection of the title thereto, for the protection of the interest of those who are to take it after her, or for the recovery of any portion of it which is not in her possession.

[Bo. Bill, s. 3; "life-estate."]

Restricted owner's power of transfer.

31. A female taking property as restricted owner shall have power to transfer the same, so that the transfer may have effect beyond her life when, the income being insufficient, such transfer is necessary in order to raise money for any of the following purposes, namely:—

(*a*) to discharge any of the obligations imposed by section 30;

(*b*) to discharge the debts of the absolute owner from whom the property descended;

(*c*) to provide for the maintenance of any persons entitled under this Act to have their maintenance provided for out of the property, for the payment of any marriage expenses or funeral expenses payable under this Act out of the property, and for the performance of any ordinary family ceremonies; and

(*d*) to support herself where she has no other sufficient means of support.

[New]. [Act II of 1882, s. 34.]

Power to apply to Court to sanction a transfer under section 31.

32. (*1*) A restricted owner of property may, without instituting a suit, apply by petition to a principal Civil Court of original jurisdiction to sanction any transfer of that property which she proposes to make under section 31.

(*2*) The petition must state the names of all the persons interested in the application so far as they can be ascertained, and must be verified by the applicant or by some other competent person in the manner required by law for the verification of plaints; and, if it contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, that person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code. XLV of 1860.

(*3*) A copy of the petition shall be served upon, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

(*4*) A transfer made with the sanction of a Court obtained under this section shall be deemed to be warranted by section 31.

[New].

Power to direct money raised to be paid into Court.

33. A Court dealing with an application under section 32 may, if it thinks fit, sanction the transfer proposed subject to the condition that the money raised by the transfer shall be paid into Court or to trustees apppointed by the Court, and may give such further directions as it thinks fit with a view to ensuring that the money shall be applied to the purpose for which it is raised, or that any balance thereof which is not required for that purpose, shall be secured for the benefit of those who would take the property after the restricted owner.

Effect of sale in execution against restricted owner.

34. When property belonging to a female as restricted owner is sold in execution of a decree passed against her, the interest taken by the purchaser shall cease on her death,—

except when, without any collusion between her and the plaintiff,—

(*a*) the decree is passed against her as representative of the absolute owner from whom the property descended; or

(*b*) the decree is one for sale passed on a mortgage made under section 31 so as to take effect beyond the life of the female.

Effect of decision or compromise to which the restricted owner is a party.

35. A decision in any suit or other proceeding, or a compromise of any dispute, relating to the property to which the restricted owner is a party, shall, except where she acts in collusion with the party opposed to her, bind those who take the property after her under this Act in the same manner and to the same extent as if she were an absolute owner of the property.

Effect of lapse of time during continuance of restricted ownership.

36. In any case in which, under any enactment for the time being in force, an owner of property would by lapse of time lose any right to, over or in respect of that property, or any means of enforcing any such right, or another person would by lapse of time acquire any right to, over or in respect of, that property, any period which elapses during the continuance of the restricted ownership shall be reckoned as against those taking the property after the termination of that ownership in the same manner and to the same extent as if the restricted owner had been an absolute

The Khojá Succession Bill, 1884.

(Chapter VI.—Of Wills of Khojás.—Sections 42-43.)

owner of the property and it had been taken by them as her heirs.

[Bo. Bill, s. 36.]

37. (*1*) When property has descended to a female as restricted owner and she dies unmarried, it shall belong to the person to whom it would then have belonged if she had died before the absolute owner from whom it descended and it had descended under this Act without having been alienated.

Further descent of property held by unmarried female as restricted owner.

(*2*) In default of such person, the property shall descend as if the female were not a restricted owner.

[Bo. Bill, s. 41.]

38. (*1*) When property has descended to a female as restricted owner and she dies, being at the time of her death married, a widow or divorced from her husband, the property shall be divided among her legitimate lineal male descendants, not being more remote than the fourth degree, those nearest in degree of kindred to her excluding the more remote, and, when those nearest in degree are not her sons, the property being so divided amongst them that the sons of any person shall take the share which he would have taken if the fathers of all had survived the restricted owner.

Further descent of restricted property of married or divorced female or widow.

(*2*) In default of legitimate lineal male descendants as aforesaid, the property shall belong to the daughters of the deceased; in default of daughters, the property shall belong to the legitimate lineal male descendants of daughters, not being more remote from the deceased than the fourth degree, those nearest in degree excluding the more remote; the descendants of each daughter, when they take, taking an equal share, and when they are not sons of the daughters, that share being so divided among them that the sons of any person shall take what he would have taken if the fathers of all had survived the restricted owner.

(*3*) In default of legitimate lineal male descendants of daughters as aforesaid, the property shall belong to the person to whom it would then have belonged if the restricted owner had died before the absolute owner from whom it descended, and it had descended under this Act without having been alienated.

(*4*) In default of such person, the property shall descend as if the female were not a restricted owner.

39. When property, having descended to a female as restricted owner, subsequently descends to another female under section 37, sub-section (1), or section 38, sub-section (3), that female shall take it as restricted owner.

When female taking property under sections 37 and 38 taken as restricted owner.

[Bo. Bill, s. 40.]

40. Notwithstanding anything in the foregoing sections, when two or more widows of a deceased Khojá take his property under this Act as restricted owners,—

Widows taking together as restricted owners to have a right of survivorship.

(*1*) there shall be as between them a right of survivorship in respect of that property;

(*2*) the proviso to section 29 shall not apply to any charge of or any right to, over or in respect of the property, or any part or share thereof, granted or created by one or more of them without the consent in writing of the other or others of them then surviving;

(3) section 31 and section 32 shall not apply to any transfer made by one or more of them without the consent in writing of the other or others of them then surviving;

(4) section 35 shall not apply to any decision in any suit or proceeding or to any compromise unless all of them then surviving are parties to that suit, proceeding or compromise.

41. Notwithstanding anything in the foregoing sections, a widow marrying again after her husband's death shall not be entitled to take as restricted owner his property or any property of any of his lineal descendants which has descended to them from him; and a widow taking any such property as restricted owner under the foregoing sections and subsequently marrying again shall, for the purpose of applying sections 28, 29, 34, 38 and 40, to that property, be deemed to have died.

Effect of re-marriage of widow claiming or holding as restricted owner.

[Bo. Bill, s. 34; Act XV of 1856, s. 2.]

CHAPTER VI.

OF WILLS OF KHOJÁS.

42. Subject to the provisions of this Act, the portions of the Indian Succession Act, 1865, set forth in the schedule hereto annexed, with the modifications shown in that schedule, shall, notwithstanding anything contained in section 331 of that Act, apply to all wills made by a Khojá, whether male or female, dying on or after the first day of January eighteen hundred and eighty-five; and

Extension of portions of Act X of 1865 with certain modifications to wills of Khojás.

[Bo. Bill, ss. 4, 5 & 6.]

X of 1865.

in the portions of the Act so applying all words defined in section 3 of the Act shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as that section has attached to them respectively;

Provided that—

(*a*) For the purpose of the portions of the Act so applying, no person to whom the Indian Majority Act, 1875, applies shall be deemed to have attained his majority before the time specified in this behalf in that Act.

IX of 1875.

(*b*) A bequest by a Khojá in favour of any person who has not come into existence at the death of the testator, or in favour of a class of persons any one of whom has not come into existence at that time, shall be void.

(*c*) When a bequest is void under clause (*b*), any bequest contained in the same will and intended to take effect after or upon failure of such prior bequest shall also be void.

43. Notwithstanding anything contained in the foregoing sections, a Khojá may bequeath property to or for the benefit of a woman so that she shall not have power to transfer or charge the same or her beneficial interest therein.

Bequest of property to woman without power to transfer or charge.

[Act IV of 1882, s. 10.]

The Khojá Succession Bill, 1884.

(Chapter VII.—Of Maintenance and Marriage and Funeral Expenses.—Secs. 44-47.)

(Chapter VIII.—Miscellaneous.—Sections 48-51.)

CHAPTER VII.

OF MAINTENANCE AND MARRIAGE AND FUNERAL EXPENSES.

[Bo. Bill, ss. 34 & 43.]

44. (*1*) The amount requisite for the maintenance of the following persons and the amount of their necessary funeral expenses shall, if they do not possess or leave means sufficient for the purpose, be payable out of any property of a deceased male Khojá in respect of which he has died intestate.

Maintenance and funeral expenses payable out of intestate's property.

(*2*) The persons referred to are—

(*a*) the widow or widows of the deceased Khojá and the widows of his legitimate lineal male descendants, provided they have not married again;

(*b*) every daughter and sister (whether legitimate or not) of the deceased Khojá, and every legitimate daughter of his son, grandson or great-grandson, except when she has been married and her husband is living;

(*c*) the father, mother, grandfather and grandmother of the deceased Khojá; and

(*d*) his illegitimate sons until they attain their majority.

[Bo. Bill, s. 43.]

45. The expenses of the first or only marriage of every daughter (whether legitimate or not) of a deceased male Khojá, and of every legitimate daughter of his deceased son, grandson or great-grandson, if not otherwise sufficiently provided for, shall be payable out of any of his property in respect of which he has died intestate.

Marriage expenses payable out of intestate's property.

[Bo. Bill, s. 45.]

46. If a male Khojá dies leaving a legitimate lineal male descendant who has not attained his majority, or a daughter who is unmarried or a widow, and having disposed of his property by will in such a manner as to leave that descendant, daughter or widow without sufficient means for the purpose, the amount requisite for the maintenance, of the descendant during his minority, or of the daughter while she remains unmarried or of the widow until her death or re-marriage (as the case may be) shall be payable out of the testator's property; and if the descendant dies before he attains his majority or the daughter dies unmarried or the widow dies without re-marrying, his or her necessary funeral expenses shall be payable out of that property.

Maintenance and funeral expenses payable out of property of testator.

47. Any sum claimable for maintenance or marriage expenses or funeral expenses under section 44, section 45 or section 46 out of any property of a deceased male Khojá shall be recoverable as if it was due under a contract made by the Khojá in his lifetime and he had died leaving only that property:

Recovery of sums claimable under sections 44, 45 and 46.

Provided that—

first, the property shall be applied to the payment of debts due by the deceased before being applied to the payment of sums so claimable;

secondly, no decree shall be passed for arrears of any allowance on account of maintenance unless the amount of the allowance has been fixed by agreement or by order of a Court; and

thirdly, when a suit is instituted for the purpose of having any such allowance fixed against a person taking the property by intestate succession, and that person is able and willing to maintain or provide for the maintenance of the person by or on whose behalf the suit is instituted, and gives security to the satisfaction of the Court for his so doing, the Court may, if it thinks fit, dismiss the suit.

CHAPTER VIII.

MISCELLANEOUS.

[Bo. Bill, s. 42. Act X of 1865, s. 28.]

48. When a Khojá dies intestate in respect of any of his property, and there is no person entitled to take that property under the foregoing sections, it shall go to the Crown.

Property when to go to the Crown.

49. Except as otherwise provided by this Act—

Females succeeding under this Act to take as males, except in certain cases.

(*1*) a female taking property by intestate succession under this Act shall have the same interest in it, and the same powers in respect of it, as if she were a male; and

(*2*) a female taking property under any testamentary disposition under this Act shall have the same interest in it, and the same powers in respect of it, as a male taking under a like disposition.

[Bo. Bill, s. 35. Act XV of 1856, s. 3.]

50. If a widow of a deceased Khojá, not having been appointed by his will to be guardian for his children, marries again, she shall not be entitled as of right to be appointed guardian of the children by a Court under any law for the time being in force relating to the appointment of guardians, and, when she has before her re-marriage been so appointed, a Court having jurisdiction to appoint a guardian for the children may in its discretion remove her from the guardianship.

Guardianship of children where widow re-marries.

51. A Khojá may dispose, by gift made in contemplation of death, of any moveable property which he could dispose of by will.

Property transferable by gift made in contemplation of death.

A gift is said to be made in contemplation of death where a person who is ill and expects to die shortly of his illness delivers to another the possession of any moveable property to keep as a gift in case the donor shall die of that illness.

When gift said to be made in contemplation of death.

Such a gift may be resumed by the giver.

Such gift resumable.

It does not take effect if he recovers from the illness during which it was made, nor if he survives the person to whom it was made.

When it fails.

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Illustrations.

(*a.*) A being ill, and in expectation of death, delivers to B, to be retained by him in case of A's death—

a watch:

a bond granted by C to A:

a bank-note:

a promissory note of the Government of India endorsed in blank:

a bill of exchange endorsed in blank:

certain mortgage-deeds.

A dies of the illness during which he delivered these articles.

B is entitled to—

the watch:

the debt secured by C's bond:

the bank-note:

the promissory note of the Government of India:

the bill of exchange:

the money secured by the mortgage-deeds.

(*b.*) A being ill, and in expectation of death, delivers to B the key of a trunk, or the key of a warehouse in which goods of bulk belonging to A are deposited, with the intention of giving him the control over the contents of the trunk, or over the deposited goods, and desires him to keep them in case of A's death. A dies of the illness during which he delivered these articles. B is entitled to the trunk and its contents, or to A's goods of bulk in the warehouse.

(*c.*) A being ill, and in expectation of death, puts aside certain articles in separate parcels, and marks upon the parcels respectively the names of B and C. The parcels are not delivered during the life of A. A dies of the illness during which he set aside the parcels. B and C are not entitled to the contents of the parcels.

SCHEDULE.

(*See Section 42.*)

PORTIONS OF THE INDIAN SUCCESSION ACT (X OF 1865) MODIFIED FOR APPLICATION TO WILLS MADE BY KHOJÁS.

Note.—Modifications are shewn in italics; omissions by asterisks.

PART VII.

Of Wills and Codicils.

Persons capable of making wills.

46. Every person of sound mind and not a minor may dispose of his property by will.

Explanation 1.—A married woman may dispose by will of any property which she could alienate by her own act during her life.

Explanation 2.—Persons who are deaf, or dumb, or blind are not thereby incapacitated for making a will if they are able to know what they do by it.

Explanation 3.—One who is ordinarily insane may make a will during an interval in which he is of sound mind.

Explanation 4.—No person can make a will while he is in such a state of mind, whether arising from drunkenness, or from illness, or from any other cause, that he does not know what he is doing.

Illustrations.

(*a.*) A can perceive what is going on in his immediate neighbourhood, and can answer familiar questions, but has not a competent understanding as to the nature of his property, or the persons who are of kindred to him, or in whose favour it would be proper that he should make his will. A cannot make a valid will.

(*b.*) A executes an instrument purporting to be his will, but he does not understand the nature of the instrument nor the effect of its provisions. This instrument is not a valid will.

(*c.*) A, being very feeble and debilitated, but capable of exercising a judgment as to the proper mode of disposing of his property, makes a will. This is a valid will.

Testamentary guardian.

47. A father, whatever his age may be, may by will appoint a guardian or guardians for his child during minority.

Will obtained by fraud, coercion or importunity.

48. A will or any part of a will, the making of which has been caused by fraud or coercion, or by such importunity as takes away the free agency of the testator, is void.

Illustrations.

(*a.*) A falsely and knowingly represents to the testator that the testator's only child is dead, or that he has done some undutiful act, and thereby induces the testator to make a will in his, A's, favour; such will has been obtained by fraud and is invalid.

(*b.*) A by fraud and deception prevails upon the testator to bequeath a legacy to him. The bequest is void.

(*c.*) A, being a prisoner by lawful authority, makes his will. The will is not invalid by reason of the imprisonment.

(*d.*) A threatens to shoot B, or to burn his house, or to cause him to be arrested on a criminal charge, unless he makes a bequest in favour of C. B in consequence makes a bequest in favour of C. The bequest is void, the making of it having been caused by coercion.

(*e.*) A being of sufficient intellect, if undisturbed by the influence of others, to make a will, yet being so much under the control of B that he is not a free agent, makes a will dictated by B. It appears that he would not have executed the will but for fear of B. The will is invalid.

(*f.*) A, being in so feeble a state of health as to be unable to resist importunity, is pressed by B to make a will of a certain purport, and does so merely to purchase peace, and in submission to B. The will is invalid.

(*g.*) A being in such a state of health as to be capable of exercising his own judgment and volition, B uses urgent intercession and persuasion with him to induce him to make a will of a certain purport. A, in consequence of the intercession and persuasion, but in the free exercise of his judgment and volition, makes his will in the manner recommended by B. The will is not rendered invalid by the intercession and persuasion of B.

(*h.*) A, with a view to obtaining a legacy from B, pays him attention and flatters him, and thereby produces in him a capricious partiality to A. B, in consequence of such attention and flattery, makes his will, by which he leaves a legacy to A. The bequest is not rendered invalid by the attention and flattery of A.

Will may be revoked or altered.

49. A will is liable to be revoked or altered by the maker of it at any time when he is competent to dispose of his property by will.

PART VIII.

Of the Execution of Unprivileged Wills.

Execution of unprivileged wills.

50. Every testator, not being a soldier employed in an expedition, or engaged in actual warfare, or a mariner at sea, must execute his will according to the following rules:—

First.—The testator shall sign or shall affix his mark to the will, or it shall be signed by some other person in his presence and by his direction.

Second.—The signature or mark of the testator, or the signature of the person signing for him, shall be so placed that it shall appear that it was

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intended thereby to give effect to the writing as a will.

Third.—The will shall be attested by two or more witnesses, each of whom must have seen the testator sign or affix his mark to the will, or have seen some other person sign the will in the presence and by the direction of the testator, or have received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person; and each of the witnesses must sign *or affix his mark to* the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.

Incorporation of papers by reference.

51. If a testator, in a will or codicil duly attested, refers to any other document then actually written, as expressing any part of his intentions, such document shall be considered as forming a part of the will or codicil in which it is referred to.

PART IX.

Of Privileged Wills.

Privileged wills.

52. Any soldier being employed in an expedition, or engaged in actual warfare, or any mariner being at sea, may, if he has completed the age of eighteen years, dispose of his property by a will made as is mentioned in the fifty-third section. Such wills are called privileged wills.

Illustrations.

(*a.*) A, the surgeon of a regiment, is actually employed in an expedition. He is a soldier actually employed in an expedition, and can make a privileged will.

(*b.*) A is at sea in a merchant-ship, of which he is the purser. He is a mariner, and being at sea can make a privileged will.

(*c.*) A, a soldier serving in the field against insurgents, is a soldier engaged in actual warfare, and as such can make a privileged will.

(*d.*) A, a mariner of a ship in the course of a voyage, is temporarily on shore, while she is lying in harbour. He is, in the sense of the words used in this clause, a mariner at sea, and can make a privileged will.

(*e.*) A, an admiral who commands a naval force, but who lives on shore, and only occasionally goes on board his ship, is not considered as at sea, and cannot make a privileged will.

(*f.*) A, a mariner serving on a military expedition, but not being at sea, is considered as a soldier, and can make a privileged will.

Mode of making, and rules for executing, privileged wills.

53. Privileged wills may be in writing, or may be made by word of mouth.

The execution of them shall be governed by the following rules:—

First.—The will may be written wholly by the testator, with his own hand. In such case it need not be signed nor attested.

Second.—It may be written wholly or in part by another person, and signed by the testator. In such case it need not be attested.

Third.—If the instrument purporting to be a will is written wholly or in part by another person, and is not signed by the testator, it shall be considered to be his will, if it be shown that it was written by the testator's directions, or that he recognized it as his will.

If it appear on the face of the instrument that the execution of it in the manner intended by him was not completed, the instrument shall not by reason of that circumstance be invalid, provided that his non-execution of it can be reasonably ascribed to some cause other than the abandonment of the testamentary intentions expressed in the instrument.

Fourth.—If the soldier or mariner shall have written instructions for the preparation of his will, but shall have died before it could be prepared and executed, such instructions shall be considered to constitute his will.

Fifth.—If the soldier or mariner shall, in the presence of two witnesses, have given verbal instructions for the preparation of his will, and they shall have been reduced into writing in his lifetime, but he shall have died before the instrument could be prepared and executed, such instructions shall be considered to constitute his will, although they may not have been reduced into writing in his presence, nor read over to him.

Sixth.—Such soldier or mariner as aforesaid may make a will by word of mouth by declaring his intentions before two witnesses present at the same time.

Seventh.—A will made by word of mouth shall be null at the expiration of one month after the testator shall have ceased to be entitled to make a privileged will.

PART X.

Of the Attestation, Revocation, Alteration and Revival of Wills.

* * * * * * * * *

Witness not disqualified by interest or by being executor.

55. No person, by reason of interest in, or of his being an executor of, a will, is disqualified as a witness to prove the execution of the will or to prove the validity or invalidity thereof.

* * * * * * * * *

Revocation of unprivileged will or codicil.

57. No unprivileged will or codicil, nor any part thereof, shall be revoked otherwise than * * * * * by another will or codicil, or by some writing declaring an intention to revoke the same, and executed in the manner in which an unprivileged will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Illustrations.

(*a.*) A has made an unprivileged will. Afterwards A makes another unprivileged will which purports to revoke the first. This is a revocation.

(*b.*) A has made an unprivileged will. Afterwards, A being entitled to make a privileged will, makes a privileged will which purports to revoke his unprivileged will. This is a revocation.

Effect of obliteration, interlineation or alteration in unprivileged will.

58. No obliteration, interlineation or other alteration made in any unprivileged will after the execution thereof shall have any effect, except so far as the words or meaning of the will shall have been thereby rendered illegible or undiscernible, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; save that the will,

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as so altered, shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will.

Revocation of privileged will or codicil.

59. A privileged will or codicil may be revoked by the testator, by an unprivileged will or codicil, or by any act expressing an intention to revoke it, and accompanied with such formalities as would be sufficient to give validity to a privileged will, or by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Explanation.—In order to the revocation of a privileged will or codicil by an act accompanied with such formalities as would be sufficient to give validity to a privileged will, it is not necessary that the testator should at the time of doing that act be in a situation which entitles him to make a privileged will.

Revival of unprivileged will.

60. No unprivileged will or codicil, nor any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required, and showing an intention to revive the same;

Extent of revival of will or codicil partly revoked and afterwards wholly revoked.

and when any will or codicil which shall be partly revoked and afterwards wholly revoked shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown by the will or codicil.

PART XI.

Of the Construction of Wills.

Wording of will.

61. It is not necessary that any technical words or terms of art shall be used in a will, but only that the wording shall be such that the intentions of the testator can be known therefrom.

Enquiries to determine questions as to object or subject of will.

62. For the purpose of determining questions as to what person or what property is denoted by any words used in a will, a Court must inquire into every material fact relating to the persons who claim to be interested under such will, the property which is claimed as the subject of disposition, the circumstances of the testator and of his family, and into every fact a knowledge of which may conduce to the right application of the words which the testator has used.

Illustrations.

(*a.*) A, by his will, bequeaths 1,000 rupees to his eldest son or to his youngest grandchild, or to his cousin Mary. A Court may make inquiry in order to ascertain to what person the description in the will applies.

(*b.*) A, by his will, leaves to B "his estate called Black Acre." It may be necessary to take evidence in order to ascertain what is the subject-matter of the bequest; that is to say, what estate of the testator's is called Black Acre.

(*c.*) A, by his will, leaves to B "the estate which he purchased of C." It may be necessary to take evidence in order to ascertain what estate the testator purchased of C.

Misnomer or misdescription of object.

63. Where the words used in the will to designate or describe a legatee, or a class of legatees, sufficiently show what is meant, an error in the name or description shall not prevent the legacy from taking effect.

A mistake in the name of a legatee may be corrected by a description of him, and a mistake in the description of a legatee may be corrected by the name.

Illustrations.

(*a.*) A bequeaths a legacy "to Thomas, the second son of his brother John." The testator has an only brother, named John, who has no son named Thomas, but has a second son whose name is William. William shall have the legacy.

(*b.*) A bequeaths a legacy "to Thomas, the second son of his brother John." The testator has an only brother named John, whose first son is named Thomas, and whose second son is named William. Thomas shall have the legacy.

(*c.*) The testator bequeaths his property "to A and B, the legitimate children of C." C has no legitimate child, but has two illegitimate children, A and B. The bequest to A and B takes effect, although they are illegitimate.

(*d.*) The testator gives his residuary estate to be divided among "his seven children," and proceeding to enumerate them, mentions six names only. This omission shall not prevent the seventh child from taking a share with the others.

(*e.*) The testator, having six grand-children, makes a bequest to "his six grand-children," and proceeding to mention them by their Christian names, mentions one twice over, omitting another altogether. The one whose name is not mentioned shall take a share with the others.

(*f.*) The testator bequeaths "1,000 rupees to each of the three children of A." At the date of the will A has four children. Each of these four children shall, if he survives the testator, receive a legacy of 1,000 rupees.

When words may be supplied.

64. Where any word material to the full expression of the meaning has been omitted, it may be supplied by the context.

Illustration.

The testator gives a legacy of "five hundred" to his daughter A, and a legacy of "five hundred rupees" to his daughter B. A shall take a legacy of five hundred rupees.

Rejection of erroneous particulars in description of subject.

65. If the thing which the testator intended to bequeath can be sufficiently identified from the description of it given in the will, but some parts of the description do not apply, such parts of the description shall be rejected as erroneous and the bequest shall take effect.

Illustrations.

(*a.*) A bequeaths to B "his marsh-lands lying in L, and in the occupation of X." The testator had marsh-lands lying in L, but had no marsh-lands in the occupation of X. The words "in the occupation of X" shall be rejected as erroneous, and the marsh-lands of the testator lying in L shall pass by the bequest.

(*b.*) The testator bequeaths to A "his zamíndárí of Rámpúr." He had an estate at Rámpúr, but it was a taluq and not a zamíndárí. The taluq passes by this bequest.

When part of description may not be rejected as erroneous.

66. If the will mentions several circumstances as descriptive of the thing which the testator intends to bequeath, and there is any property of his in respect of which all those circumstances exist, the bequest shall be considered as limited to such property, and it shall not be lawful to reject any part of the description as erroneous, because the testator had other property to which such part of the description does not apply.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

Explanation.—In judging whether a case falls within the meaning of this section, any words which would be liable to rejection under the sixty-fifth section are to be considered as struck out of the will.

Illustrations.

(*a.*) A bequeaths to B "his marsh-lands lying in L, and in the occupation of X." The testator had marsh-lands lying in L, some of which were in the occupation of X, and some not in the occupation of X. The bequest shall be considered as limited to such of the testator's marsh-lands lying in L as were in the occupation of X.

(*b.*) A bequeaths to B "his marsh-lands lying in L, and in the occupation of X, comprising 1,000 bighás of land." The testator had marsh-lands lying in L, some of which were in the occupation of X, and some not in the occupation of X. The measurement is wholly inapplicable to the marsh lands of either class, or to the whole taken together. The measurement shall be considered as struck out of the will, and such of the testator's marsh-lands lying in L as were in the occupation of X shall alone pass by the bequest.

Extrinsic evidence admissible in case of latent ambiguity.

67. Where the words of the will are unambiguous, but it is found by extrinsic evidence that they admit of applications one only of which can have been intended by the testator, extrinsic evidence may be taken to show which of these applications was intended.

Illustrations.

(*a.*) A man, having two cousins of the name of Mary, bequeaths a sum of money to "his cousin Mary." It appears that there are two persons each answering the description in the will. That description, therefore, admits of two applications, only one of which can have been intended by the testator. Evidence is admissible to show which of the two applications was intended.

(*b.*) A, by his will, leaves to B "his estate called Sultánpur Khurd." It turns out that he had two estates called Sultánpur Khurd. Evidence is admissible to show which estate was intended.

Extrinsic evidence inadmissible in cases of patent ambiguity or deficiency.

68. Where there is an ambiguity or deficiency on the face of the will, no extrinsic evidence as to the intentions of the testator shall be admitted.

Illustrations.

(*a.*) A man has an aunt Caroline and a cousin Mary, and has no aunt of the name of Mary. By his will he bequeaths 1,000 rupees to "his aunt Caroline" and 1,000 rupees to "his cousin Mary," and afterwards bequeaths 2,000 rupees to "his before-mentioned aunt Mary." There is no person to whom the description given in the will can apply, and evidence is not admissible to show who was meant by "his before-mentioned aunt Mary." The bequest is therefore void for uncertainty under the seventy-sixth section.

(*b.*) A bequeaths 1,000 rupees to , leaving a blank for the name of the legatee. Evidence is not admissible to show what name the testator intended to insert.

(*c.*) A bequeaths to B rupees. or "his estate of ." Evidence is not admissible to show what sum or what estate the testator intended to insert.

Meaning of clause to be collected from entire will.

69. The meaning of any clause in a will is to be collected from the entire instrument, and all its parts are to be construed with reference to each other; and for this purpose a codicil is to be considered as part of the will.

Illustrations.

(*a.*) The testator gives to B a specific fund or property at the date of A, and by a subsequent clause gives the whole of his property to A. The effect of the several clauses taken together is to vest the specific fund or property in A for life and after his decease in B; it appearing from the bequest to B that the testator meant to use in a restricted sense the words in which he describes what he gives to A.

(*b.*) Where a testator, having an estate one part of which is called Black Acre, bequeaths the whole of his estate to A, and in another part of his will bequeaths Black Acre to B, the latter bequest is to be read as an exception out of the first, as if he had said, "I give Black Acre to B and all the rest of my estate to A."

When words may be understood in restricted sense, and when in sense wider than usual.

70. General words may be understood in a restricted sense where it may be collected from the will that the testator meant to use them in a restricted sense; and words may be understood in a wider sense than that which they usually bear, where it may be collected from the other words of the will that the testator meant to use them in such wider sense.

Illustrations.

(*a.*) A testator gives to A "his farm in the occupation of B," and to C "all his marsh-lands in L." Part of the farm in the occupation of B consists of marsh-lands in L, and the testator also has other marsh-lands in L. The general words, "all his marsh-lands in L," are restricted by the gift to A. A takes the whole of the farm in the occupation of B, including that portion of the farm which consists of marsh-lands in L.

(*b.*) The testator (a sailor on ship-board) bequeathed to his mother his gold ring, buttons and chest of clothes, and to his friend A (a shipmate) his red box, clasp-knife and all things not before bequeathed. The testator's share in a house does not pass to A under this bequest.

(*c.*) A, by his will, bequeathed to B all his household furniture, plate, linen, china, books, pictures and all other goods of whatever kind; and afterwards bequeathed to B a specified part of his property. Under the first bequest, B is entitled only to such articles of the testator's as are of the same nature with the articles therein enumerated.

Which of two possible constructions preferred.

71. Where a clause is susceptible of two meanings, according to one of which it has some effect, and according to the other it can have none, the former is to be preferred.

No part rejected, if it can be reasonably construed.

72. No part of a will is to be rejected as destitute of meaning if it is possible to put a reasonable construction upon it.

Interpretation of words repeated in different parts of will.

73. If the same words occur in different parts of the same will, they must be taken to have been used everywhere in the same sense, unless there appears an intention to the contrary.

Testator's intention to be effectuated as far as possible.

74. The intention of the testator is not to be set aside because it cannot take effect to the full extent, but effect is to be given to it as far as possible.

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The last of two inconsistent clauses prevails.

75. Where two clauses or gifts in a will are irreconcileable, so that they cannot possibly stand together, the last shall prevail.

Illustrations.

(*a.*) The testator by the first clause of his will leaves his estate of Rámnagar "to A," and by the last clause of his will leaves it "to B and not to A." B shall have it.

(*b.*) If a man at the commencement of his will gives his house to A, and at the close of it directs that his house shall be sold and the proceeds invested for the benefit of B, the latter disposition shall prevail.

Will or bequest void for uncertainty.

76. A will or bequest not expressive of any definite intention is void for uncertainty.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

Illustration.

If a testator says—"I bequeath goods to A"; or "I bequeath to A"; or "I leave to A all the goods mentioned in a schedule," and no schedule is found; or "I bequeath money,' 'wheat,' 'oil,'" or the like, without saying how much, this is void.

77. The description contained in a will, of property the subject of gift, shall, unless a contrary intention appear by the will, be deemed to refer to and comprise the property answering that description at the death of the testator.

Words describing subject refer to property answering description at testator's death.

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82. Where property is bequeathed to any person, he is entitled to the whole interest of the testator therein, unless it appears from the will that only a restricted interest was intended for him.

Bequest without words of limitation.

83. Where property is bequeathed to a person with a bequest in the alternative to another person or to a class of persons, if a contrary intention does not appear by the will, the legatee first named shall be entitled to the legacy, if he be alive at the time when it takes effect; but if he be then dead, the person or class of persons named in the second branch of the alternative shall take the legacy.

Bequest in alternative.

Illustrations.

(a.) A bequest is made to A or to B. A survives the testator. B takes nothing.

(b.) A bequest is made to A or to B. A dies after the date of the will, and before the testator. The legacy goes to B.

(c.) A bequest is made to A or to B. A is dead at the date of the will. The legacy goes to B.

(d.) Property is bequeathed to A or his heirs. A survives the testator. A takes the property absolutely.

(e.) Property is bequeathed to A or his nearest of kin. A dies in the lifetime of the testator. Upon the death of the testator, the bequest to A's nearest of kin takes effect.

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84. Where property is bequeathed to a person, and words are added which describe a class of persons, but do not denote them as direct objects of a distinct and independent gift, such person is entitled to the whole interest of the testator therein, unless a contrary intention appears by the will.

Effect of words describing a class added to bequest to a person.

Illustrations.

(a.) A bequest is made—

to A and his children,
to A and his children by his present wife,
to A and his heirs,
to A and the heirs of his body,
to A and the heirs male of his body,
to A and the heirs female of his body,
to A and his issue,
to A and his family,
to A and his descendants,
to A and his representatives,
to A and his personal representatives,
to A, his executors and administators.

In each of these cases, A takes the whole interest which the testator had in the property.

(b.) A bequest is made to A and his brothers. A and his brothers are jointly entitled to the legacy.

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85. Where a bequest is made to a class of persons under a general description only, no one to whom the words of the description are not in their ordinary sense applicable shall take the legacy.

Bequest to class of persons under general description only.

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88. Where a will purports to make two bequests to the same person, and a question arises whether the testator intended to make the second bequest instead of or in addition to the first, if there is nothing in the will to show what he intended, the following rules shall prevail in determining the construction to be put upon the will:—

Rules of construction where will purports to make two bequests to same person.

First.—If the same specific thing is bequeathed twice to the same legatee in the same will, or in the will and again in a codicil, he is entitled to receive that specific thing only.

Second.—Where one and the same will or one and the same codicil purports to make, in two places, a bequest to the same person of the same quantity or amount of anything, he shall be entitled to one such legacy only.

Third.—Where two legacies of unequal amount are given to the same person in the same will, or in the same codicil, the legatee is entitled to both.

Fourth.—Where two legacies, whether equal or unequal in amount, are given to the same legatee, one by a will and the other by a codicil, or each by a different codicil, the legatee is entitled to both legacies.

***Explanation.*—In the four last rules, the word "will" does not include a codicil.**

Illustrations.

(a.) A having ten shares, and no more, in the Bank of Bengal, made his will, which contains near its commencement the words "I bequeath my ten shares in the Bank of Bengal to B." After other bequests, the will concludes with the words "and I bequeath my ten shares in the Bank of Bengal to B." B is entitled simply to receive A's ten shares in the Bank of Bengal.

(b.) A having one diamond-ring, which was given him by B, bequeathed to C the diamond-ring which was given him by B. A afterwards made a codicil to his will, and thereby, after giving other legacies, he bequeathed to C the diamond-ring which was given him by B. C can claim nothing except the diamond-ring which was given to A by B.

(c.) A, by his will, bequeaths to B the sum of 5,000 rupees, and afterwards, in the same will, repeats the bequest in the same words. B is entitled to one legacy of 5,000 rupees only.

(d.) A, by his will, bequeaths to B the sum of 5,000 rupees, and afterwards, by the same will, bequeaths to B the sum of 6,000 rupees. B is entitled to 11,000 rupees.

(e.) A, by his will, bequeaths to B 5,000 rupees, and by a codicil to the will he bequeaths to him 5,000 rupees. B is entitled to receive 10,000 rupees.

(f.) A, by one codicil to his will, bequeaths to B 5,000 rupees, and by another codicil, bequeaths to him 6,000 rupees. B is entitled to receive 11,000 rupees.

(g.) A, by his will, bequeaths "500 rupees to B because she was his nurse," and in another part of the will bequeaths 500 rupees to B "because she went to England with his children." B is entitled to receive 1,000 rupees.

(h.) A, by his will, bequeaths to B the sum of 5,000 rupees and also, in another part of the will, an annuity of 400 rupees. B is entitled to both legacies.

(i.) A, by his will, bequeaths to B the sum of 5,000 rupees and also bequeaths to him the sum of 5,000 rupees if he shall attain the age of 18. B is entitled absolutely to one sum of 5,000 rupees, and take a contingent interest in another sum of 5,000 rupees.

89. A residuary legatee may be constituted by any words that show an intention on the part of the testator that the person designated shall take the surplus or residue of his property.

Constitution of residuary legatee.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

Illustrations.

(a.) A makes her will, consisting of several testamentary papers, in one of which are contained the following words:—"I think there will be something left, after all funeral expenses, &c., to give to B, now at school, towards equipping him to any profession he may hereafter be appointed to." B is constituted residuary legatee.

(b.) A makes his will, with the following passage at the end of it:—"I believe there will be found sufficient in my banker's hands to defray and discharge my debts, which I hereby desire B to do, and keep the residue for her own use and pleasure." B is constituted the residuary legatee.

(c.) A bequeaths all his property to B, except certain stocks and funds, which he bequeaths to C. B is the residuary legatee.

90. Under a residuary bequest, the legatee is entitled to all property belonging to the testator at the time of his death, of which he has not made any other testamentary disposition which is capable of taking effect.

Property to which residuary legatee entitled.

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91. If a legacy be given in general terms, without specifying the time when it is to be paid, the legatee has a vested interest in it from the day of the death of the testator, and, if he dies without having received it, it shall pass to his representatives.

Time of vesting of legacy in general terms.

92. If the legatee does not survive the testator, the legacy cannot take effect, but shall lapse and form part of the residue of the testator's property, unless it appear by the will that the testator intended that it should go to some other person.

In what case legacy lapses.

In order to entitle the representatives of the legatee to receive the legacy, it must be proved that he survived the testator.

Illustrations.

(a.) The testator bequeaths to B "500 rupees which B owes him." B dies before the testator; the legacy lapses.

(b.) A bequest is made to A and his children. A dies before the testator or happens to be dead when the will is made. The legacy to A and his children lapses.

(c.) A legacy is given to A, and in case of his dying before the testator, to B. A dies before the testator. The legacy goes to B.

(d.) A sum of money is bequeathed to A for life, and after his death to B. A dies in the lifetime of the testator. B survives the testator. The bequest to B takes effect.

(e.) A sum of money is bequeathed to A on his completing his eighteenth year, and in case he should die before he completes his eighteenth year, to B. A completes his eighteenth year, and dies in the lifetime of the testator. The legacy to A lapses, and the bequest to B does not take effect.

(f.) The testator and the legatee perished in the same shipwreck. There is no evidence to show which died first. The legacy will laspe.

93. If a legacy be given to two persons jointly, and one of them die before the testator, the other legatee takes the whole.

Legacy does not lapse if one of two joint legatees die before testator.

Illustration.

The legacy is simply to A and B. A dies before the testator. B takes the legacy.

94. But where a legacy is given to legatees in words which show that the testator intended to give them distinct shares of it, then if any legatee die before the testator, so much of the legacy as was intended for him shall fall into the residue of the testator's property.

Effect of words showing testator's intention to give distinct shares.

Illustration.

A sum of money is bequeathed to A, B and C, to be equally divided among them. A dies before the testator. B and C shall only take so much as they would have had if A had survived the testator.

95. Where the share that lapses is a part of the general residue bequeathed by the will, that share shall go as undisposed of.

When lapsed share goes as undisposed of.

Illustration.

The testator bequeaths the residue of his estate to A, B and C, to be equally divided between them. A dies before the testator. His one-third of the residue goes as undisposed of.

96. Where a bequest shall have been made to any *son or other legitimate lineal male descendant* of the testator, and the legatee shall die in the lifetime of the testator, but any *legitimate* lineal *male* descendant of his shall survive the testator, the bequest shall not lapse, but shall take effect as if the death of the legatee had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

When bequest to testator's lineal descendant does not lapse on his death in testator's lifetime.

Illustration.

A makes his will, by which he bequeaths a sum of money to his son B for his own absolute use and benefit. B dies before A, leaving a son C who survives A, and having made his will whereby he bequeaths all his property to his widow D. The money goes to D.

97. Where a bequest is made to one person for the benefit of another, the legacy does not lapse by the death, in the testator's lifetime, of the person to whom the bequest is made.

Bequest to A for benefit of B does not lapse by A's death.

98. Where a bequest is made simply to a described class of persons, the thing bequeathed shall go only to such as shall be alive at the testator's death.

Survivorship in case of bequest to described class.

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Illustrations.

(a.) A bequeaths 1,000 rupees to "the children of B" without saying when it is to be distributed among them. B had died previous to the date of the will, leaving three children, C, D and E. E died after the date of the will, but for the death of A. C and D survive A. The legacy shall belong to C and D, to the exclusion of the representatives of E.

(b.) A bequeaths a legacy to the children of B. At the time of the testator's death, B has no chidren. The bequest is void.

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PART XII.

OF VOID BEQUESTS.

99. Where a bequest is made to a person by a particular description, and there is no person in existence at the testator's death who answers the description, the bequest is void.

Bequest to person by particular description, who is not in existence at testator's death.

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Illustrations.

(a.) A bequeaths 1,000 rupees to the eldest son of B. At the death of the testator B has no son. The bequest is void.

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The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

101. No bequest is valid whereby the vesting of the thing bequeathed may be delayed beyond the lifetime of one or more persons living at the testator's decease.

Rule against perpetuity.

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102. If a bequest is made to a class of persons, with regard to some of whom it is inoperative by reason of the rules contained in the last preceding section, such bequest shall be wholly void.

Bequest to a class, some of whom may come under rules in section 101.

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103. Where a bequest is void by reason of any of the rules contained in the *two* last preceding sections, any bequest contained in the same will and intended to take effect after or upon failure of such prior bequest is also void.

Bequest to take effect on failure of bequest void under section 101 or 102.

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104. A direction to accumulate the income arising from any property shall be void; and the property shall be disposed of as if no accumulation had been directed.

Effect of direction for accumulation.

Exception.—Where the property is immoveable, or where accumulation is directed to be made from the death of the testator, the direction shall be valid in respect only of the income arising from the property within one year next following the testator's death;

and at the end of the year such property and income shall be disposed of respectively, as if the period during which the accumulation has been directed to be made had elapsed.

Illustrations.

(*a.*) The will directs that the sum of 10,000 rupees shall be invested in Government-securities, and the income accumulated for 20 years, and that the principal, together with the accumulations, shall then be divided between A, B and C. A, B and C are entitled to receive the sum of 10,000 rupees at the end of the year from the testator's death.

(*b.*) The will directs that 10,000 rupees shall be invested and the income accumulated until A shall marry, and shall then be paid to him. A is entitled to receive 10,000 rupees at the end of a year from the testator's death.

(*c.*) The will directs that the rents of the farm of Sultánpur shall be accumulated for ten years, and that the accumulation shall be then paid to the eldest son of A. At the death of the testator, A has an eldest son living, named B. B shall receive at the end of one year from the testator's death the rents which have accrued during the year, together with any interest which may have been made by investing them.

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(*e.*) A bequeaths a sum of money to B, to be paid to him when he shall attain the age of 18, and directs the interest to be accumulated till he shall arrive at that age. At A's death the legacy becomes vested in B; and so much of the interest as is not required for his maintenance and education is accumulated, not by reason of the direction contained in the will, but in consequence of B's minority.

PART XIII.

OF THE VESTING OF LEGACIES.

106. Where by the terms of a bequest the legatee is not entitled to immediate possession of the thing bequeathed, a right to receive it at the proper time shall, unless a contrary intention appears by the will, become vested in the legatee on the testator's death, and shall pass to the legatee's representatives if he dies before that time and without having received the legacy.

Date of vesting of legacy when payment or possession postponed.

And in such cases the legacy is from the testator's death said to be vested in interest.

Explanation.—An intention that a legacy to any person shall not become vested in interest in him is not to be inferred merely from a provision whereby the payment or possession of the thing bequeathed is postponed, or whereby a prior interest therein is bequeathed to some other person, or whereby the income arising from the fund bequeathed is directed to be accumulated until the time of payment arrives, or from a provision that, if a particular event shall happen, the legacy shall go over to another person.

Illustrations.

(*a.*) A bequeaths to B 100 rupees, to be paid to him at the death of C. On A's death the legacy becomes vested in interest in B, and if he dies before C, his representatives are entitled to the legacy.

(*b.*) A bequeaths to B 100 rupees, to be paid to him upon his attaining the age of 18. On A's death the legacy becomes vested in interest in B.

(*c.*) A fund is bequeathed to A for life, and after his death to B. On the testator's death the legacy to B becomes vested in interest in B.

(*d.*) A fund is bequeathed to A until B attains the age of 18, and then to B. The legacy to B is vested in interest from the testator's death.

(*e.*) A bequeaths the whole of his property to B upon trust to pay certain debts out of the income, and then to make over the fund to C. At A's death the gift to C becomes vested in interest in him.

(*f.*) A fund is bequeathed to A, B and C in equal shares, to be paid to them on their attaining the age of 18 respectively, with a proviso that, if all of them die under the age of 18, the legacy shall devolve upon D. On the death of the testator, the shares vest in interest in A, B and C, subject to be devested in case A, B and C shall all die under 18, and upon the death of any of them (except the last survivor) under the age of 18, his vested interest passes, so subject, to his representatives.

107. A legacy bequeathed in case a specified uncertain event shall happen does not vest until that event happens.

Date of vesting when legacy contingent upon specified uncertain event.

A legacy bequeathed in case a specified uncertain event shall not happen does not vest until the happening of that event becomes impossible.

In either case, until the condition has been fulfilled, the interest of the legatee is called contingent.

Exception.—Where a fund is bequeathed to any person upon his attaining a particular age, and the will also gives to him absolutely the income to arise from the fund before he reaches that age, or directs the income, or so much of it as may be necessary, to be applied for his benefit, the bequest of the fund is not contingent.

Illustrations.

(*a.*) A legacy is bequeathed to D in case A, B and C shall all die under the age of 18. D has a contingent interest in the legacy until A, B and C all die under 18, or one of them attains that age.

(*b.*) A sum of money is bequeathed to A "in case he shall attain the age of 18," or, "when he shall attain the age of 18." A's interest in the legacy is contingent until the condition shall be fulfilled by his attaining that age.

(*c.*) An estate is bequeathed to A for life, and after his death to B, if B shall then be living; but if B shall not be then living, to C. A, B and C survive the testator. B and C each take a contingent interest in the estate until the event which is to vest it in one or in the other shall have happened.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

(*d.*) An estate is bequeathed as in the case last supposed. B dies in the lifetime of A and C. Upon the death of B, C acquires a vested right to obtain possession of the estate upon A's death.

(*e.*) A legacy is bequeathed to A when she shall attain the age of 18, or shall marry under that age with the consent of B, with a proviso that, if she shall not attain 18, or marry under that age with B's consent, the legacy shall go to C. A and C each take a contingent interest in the legacy. A attains the age of 18. A becomes absolutely entitled to the legacy, although she may have married under 18 without the consent of B.

(*f.*) An estate is bequeathed to A until he shall marry, and after that event to B. B's interest in the bequest is contingent until the condition shall be fulfiled by A's marrying.

(*g.*) An estate is bequeathed to A until he shall take advantage of the Act for the Relief of Insolvent Debtors, and after that event to B. B's interest in the bequest is contingent until A takes advantage of the Act.

(*h.*) An estate is bequeathed to A if he shall pay 500 rupees to B. A's interest in the bequest is contingent until he has paid 500 rupees to B.

(*i.*) A leaves his farm of Sultánpur Khurd to B, if B shall convey his own farm of Sultánpur Buzurg to C. B's interest in the bequest is contingent until he has conveyed the latter farm to C.

(*j.*) A fund is bequeathed to A if B shall not marry C within five years after the testator's death. A's interest in the legacy is contingent, until the condition shall be fulfilled by the expiration of the five years without B's having married C, or by the occurrence, within that period, of an event which makes the fulfilment of the condition impossible.

(*k.*) A fund is bequeathed to A if B shall not make any provision for him by will. The legacy is contingent until B's death.

(*l.*) A bequeaths to B 500 rupees a year upon his attaining the age of 18, and directs that the interest, or a competent part thereof, shall be applied for his benefit until he reaches that age. The legacy is vested.

(*m.*) A bequeaths to B 500 rupees when he shall attain the age of 18, and directs that a certain sum, out of another fund, shall be applied for his maintenance until he arrives at that age. The legacy is contingent.

108. Where a bequest is made only to such members of a class as shall have attained a particular age, a person who has not attained that age cannot have a vested interest in the legacy.

Vesting of interest in bequest to such members of a class as shall have attained particular age.

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PART XIV.

OF ONEROUS BEQUESTS.

109. Where a bequest imposes an obligation on the legatee, he can take nothing by it unless he accepts it fully.

Onerous bequest.

Illustration.

A having shares in (X), a prosperous joint stock company, and also shares in (Y), a joint stock company in difficulties, in respect of which shares heavy calls are expected to be made, bequeaths to B all his shares in joint stock companies. B refuses to accept the shares in (Y). He forfeits the shares in (X).

110. Where a will contains two separate and independent bequests to the same person, the legatee is at liberty to accept one of them and refuse the other, although the former may be beneficial and the latter onerous.

One of two separate and independent bequests to same person may be accepted, and other refused.

Illustration.

A having a lease for a term of years of a house at a rent which he and his representatives are bound to pay during the term, and which is higher than the house can be let for, bequeaths to B the lease and a sum of money. B refuses to accept the lease. He shall not by this refusal forfeit the money.

PART XV.

OF CONTINGENT BEQUESTS.

111. Where a legacy is given if a specified uncertain event shall happen, and no time is mentioned in the will for the occurrence of that event, the legacy cannot take effect unless such event happens before the period when the fund bequeathed is payable or distributable.

Bequest contingent upon specified uncertain event, no time being mentioned for its occurrence.

Illustrations.

(*a.*) A legacy is bequeathed to A, and in case of his death, to B. If A survives the testator, the legacy to B does not take effect.

(*b.*) A legacy is bequeathed to A, and in case of his death without children, to B. If A survives the testator or dies in his lifetime leaving a child, the legacy to B does not take effect.

(*c.*) A legacy is bequeathed to A when and if he attains the age of 18, and in case of his death, to B. A attains the age of 18. The legacy to B does not take effect.

(*d.*) A legacy is bequeathed to A for life and after his death to B, and, "in case of B's death without children," to C. The words "in case of B's death without children" are to be understood as meaning in case B shall die without children during the lifetime of A.

(*e.*) A legacy is bequeathed to A for life, and after his death to B, and, "in case of B's death," to C. The words "in case of B's death" are to be considered as meaning "in case B shall die in the lifetime of A."

112. Where a bequest is made to such of certain persons as shall be surviving at some period but the exact period is not specified, the legacy shall go to such of them as shall be alive at the time of payment or distribution, unless a contrary intention appear by the will.

Bequest to such of certain persons as shall be surviving at some period not specified.

Illustrations.

(*a.*) Property is bequeathed to A and B, to be equally divided between them, or to the survivor of them. If both A and B survive the testator, the legacy is equally divided between them. If A dies before the testator, and B survives the testator, it goes to B.

(*b.*) Property is bequeathed to A for life, and after his death to B and C, to be equally divided between them, or to the survivor of them. B dies during the life of A; C survives A. At A's death the legacy goes to C.

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(*d.*) Property is bequeathed to A for life, and after his death to B and C, with a direction that, in case either of them dies in the lifetime of A, the whole shall go to the survivor. B dies in the lifetime of A. Afterwards C dies in the lifetime of A. The legacy goes to the representative of C.

PART XVI.

OF CONDITIONAL BEQUESTS.

113. A bequest upon an impossible condition is void.

Bequest upon impossible condition.

Illustrations.

(*a.*) An estate is bequeathed to A on condition that he shall walk one hundred miles in an hour. The bequest is void.

(*b.*) A bequeaths 500 rupees to B on condition that he shall marry A's daughter. A's daughter was dead at the date of the will. The bequest is void.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

114. A bequest upon a condition the fulfilment of which would be contrary to law or to morality is void.

Bequest upon illegal or immoral condition.

Illustrations.

(*a.*) A bequeaths 500 rupees to B on condition that he shall murder C. The bequest is void.

(*b.*) A bequeaths 5,000 rupees to his niece if she will desert her husband. The bequest is void.

115. Where a will imposes a condition to be fulfilled before the legatee can take a vested interest in the thing bequeathed, the condition shall be considered to have been fulfilled if it has been substantially complied with.

Fulfilment of condition precedent to vesting of legacy.

Illustrations.

(*a.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C, D and E. A marries with the written consent of B. C is present at the marriage. D sends a present to A previous to the marriage. E has been personally informed by A of his intentions, and has made no objection. A has fulfilled the condition.

(*b.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. D dies. A marries with the consent of B and C. A has fulfilled the condition.

(*c.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A marries in the lifetime of B, C and D, with the consent of B and C only. A has not fulfilled the condition.

(*d.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A obtains the unconditional assent of B, C and D to his marriage with E. Afterwards B, C and D capriciously retract their consent. A marries E. A has fulfilled the condition.

(*e.*) A legacy is bequeathed to A on condition that he shall marry with the consent of B, C and D. A marries without the consent of B, C and D, but obtains their consent after the marriage. A has not fulfilled the condition.

(*f.*) A makes his will, whereby he bequeaths a sum of money to B if B shall marry with the consent of A's executors. B marries during the lifetime of A, and A afterwards expresses his approbation of the marriage. A dies. The bequest to B takes effect.

(*g.*) A legacy is bequeathed to A if he executes a certain document within a time specified in the will. The document is executed by A within a reasonable time, but not within the time specified in the will. A has not performed the condition, and is not entitled to receive the legacy.

116. Where there is a bequest to one person and a bequest of the same thing to another, if the prior bequest shall fail, the second bequest shall take effect upon the failure of the prior bequest, although the failure may not have occurred in the manner contemplated by the testator.

Bequest to A and on failure of prior bequest, to B.

Illustrations.

(*a.*) A bequeaths a sum of money to his own children surviving him, and if they all die under 18, to B. A dies without having ever had a child. The bequest to B takes effect.

(*b.*) A bequeaths a sum of money to B, on condition that he shall execute a certain document within three months after A's death, and if he should neglect to do so, to C. B dies in the testator's lifetime. The bequest to C takes effect.

117. Where the will shows an intention that the second bequest shall take effect only in the event of the first bequest failing in a particular manner, the second bequest shall not take effect unless the prior bequest fails in that particular manner.

When second bequest not to take effect, on failure of first.

Illustration.

A makes a bequest to his wife, but in case she should die in his lifetime, bequeaths to B that which he had bequeathed to her. A and his wife perish together, under circumstances which make it impossible to prove that she died before him. The bequest to B does not take effect.

118. A bequest may be made to any person with the condition superadded that in case a specified uncertain event shall happen, the thing bequeathed shall go to another person; or, that in case a specified uncertain event shall not happen, the thing bequeathed shall go over to another person.

Bequest over, conditional upon happening or not happening of specified uncertain event.

In each case the ulterior bequest is subject to the rules contained in sections 107, 108, 109, 110, 111, 112, 113, 114, 116, 117.

Illustrations.

(*a.*) A sum of money is bequeathed to A, to be paid to him at the age of 18, and if he shall die before he attains that age, to B. A takes a vested interest in the legacy, subject to be devested and to go to B in case A shall die under 18.

(*b.*) An estate is bequeathed to A with a proviso that, if A shall dispute the competency of the testator to make a will, the estate shall go to B. A disputes the competency of the testator to make a will. The estate goes to B.

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(*d.*) A sum of money is bequeathed to A and B, and if either should die during the life of C, then to the survivor living at the death of C. A and B die before C. The gift over cannot take effect, but the representative of A takes one-half of the money and the representative of B takes the other half.

(*e.*) A bequeaths to B the interest of a fund for life, and directs the fund to be divided, at her death, equally among her three children, or such of them as shall be living at her death. All the children of B die in B's lifetime. The bequest over cannot take effect, but the interests of the children pass to their representatives.

119. An ulterior bequest of the kind contemplated by the last preceding section cannot take effect unless the condition is strictly fulfilled.

Condition must be strictly fulfilled.

Illustrations.

(*a.*) A legacy is bequeathed to A, with a proviso that, if he marries without the consent of B, C and D, the legacy shall go to E. D dies. Even if A marries without the consent of B and C, the gift to E does not take effect.

(*b.*) A legacy is bequeathed to A, with a proviso that, if he marries without the consent of B, the legacy shall go to C. A marries with the consent of B. He afterwards becomes a widower and marries again without the consent of B. The bequest to C does not take effect.

(*c.*) A legacy is bequeathed to A, to be paid at 18, or marriage, with a proviso that, if A dies under 18, or marries without the consent of B, the legacy shall go to C. A marries under 18, without the consent of B. The bequest to C takes effect.

120. If the ulterior bequest be not valid, the original bequest is not affected by it.

Original bequest not affected by invalidity of second.

Illustrations.

(*a.*) An estate is bequeathed to A for his life, with a condition superadded that if he shall not on a given day walk 100 miles in an hour, the estate shall go to B. The condition being void, A retains his estate as if no condition had been inserted in the will.

(*b.*) An estate is bequeathed to A for her life, and if she do not desert her husband, to B. A is entitled to the estate during her life as if no condition had been inserted in the will.

(*c.*) An estate is bequeathed to A for life, and, if he marries, to the eldest son of B for life. B, at the date of the testator's death, had not had a son. The bequest over is void under section 92, and A is entitled to the estate during his life.

The Khojá Succession Bill, 1884.
(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

121. A bequest may be made with the condition superadded that it shall cease to have effect in case a specified uncertain event shall happen, or in case a specified uncertain event shall not happen.

Bequest conditioned that it shall cease to have effect in case specified uncertain event shall happen or not happen.

Illustrations.

(*a.*) An estate is bequeathed to A for his life, with a proviso that, in case he shall cut down a certain wood, the bequest shall cease to have any effect. A cuts down the wood; he loses his life-interest in the estate.

(*b.*) An estate is bequeathed to A, provided that, if he marries under the age of 25 without the consent of the executors named in the will, the estate shall cease to belong to him. A marries under 25 without the consent of the executors. The estate ceases to belong to him.

(*c.*) An estate is bequeathed to A, provided that, if he shall not go to England within three years after the testator's death, his interest in the estate shall cease. A does not go to England within the time prescribed. His interest in the estate ceases.

(*d.*) An estate is bequeathed to A, with a proviso that, if she becomes a nun, she shall cease to have any interest in the estate. A becomes a nun. She loses her interest under the will.

(*e.*) A fund is bequeathed to A for life, and after his death to B, if B shall be then living, with a proviso that, if B shall become a nun, the bequest to her shall cease to have any effect. B becomes a nun in the lifetime of A. She thereby loses her contingent interest in the fund.

122. In order that a condition that a bequest shall cease to have effect may be valid, it is necessary that the event to which it relates be one which could legally constitute the condition of a bequest as contemplated by the one hundred and seventh section.

Such condition must not be invalid under section 107.

123. Where a bequest is made with a condition superadded that, unless the legatee shall perform a certain act, the subject-matter of the bequest shall go to another person, or the bequest shall cease to have effect, but no time is specified for the performance of the act, if the legatee takes any step which renders impossible or indefinitely postpones the performance of the act required, the legacy shall go as if the legatee had died without performing such act.

Result of legatee rendering impossible or indefinitely postponing act for which no time specified and on non-performance of which subject-matter to go over.

Illustrations.

(*a.*) A bequest is made to A with a proviso that, unless he enters the army, the legacy shall go over to B. A takes holy orders, and thereby renders it impossible that he should fulfil the condition. B is entitled to receive the legacy.

(*b.*) A bequest is made to A with a proviso that it shall cease to have any effect if he does not marry B's daughter. A marries a stranger, and thereby indefinitely postpones the fulfilment of the condition. The bequest ceases to have effect.

124. Where the will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed or as a condition upon the non-fulfilment of which the subject-matter of the bequest is to go over to another person, or the bequest is to cease to have effect, the act must be performed within the time specified, unless the performance of it be prevented by fraud, in which case such further time shall be allowed as shall be requisite to make up for the delay caused by such fraud.

Performance of condition, precedent or subsequent, within specified time.

Further time in case of fraud.

PART XVII.

Of Bequests with directions as to application or enjoyment.

125. Where a fund is bequeathed absolutely to or for the benefit of any person, but the will contains a direction that it shall be applied or enjoyed in a particular manner, the legatee shall be entitled to receive the fund as if the will had contained no such direction.

Direction that funds be employed in particular manner following absolute bequest of same to or for benefit of any person.

Illustration.

A sum of money is bequeathed towards purchasing a country-residence for A, or to purchase an annuity for A, or to purchase a commission in the army for A, or to place A in any business. A chooses to receive the legacy in money. He is entitled to do so.

126. Where a testator absolutely bequeaths a fund, so as to sever it from his own estate, but directs that the mode of enjoyment of it by the legatee shall be restricted so as to secure a specified benefit for the legatee; if that benefit cannot be obtained for the legatee, the fund belongs to him as if the will had contained no such direction.

Direction that mode of enjoyment of absolute bequest is to be restricted, to secure specified benefit for legatee.

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127. Where a testator does not absolutely bequeath a fund so as to sever it from his own estate, but gives it for certain purposes and part of those purposes cannot be fulfilled, the fund, or so much of it as has not been exhausted upon the objects contemplated by the will, remains a part of the estate of the testator.

Bequest of fund for certain purposes, some of which cannot be fulfilled.

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PART XVIII.

Of Bequests to an Executor.

128. If a legacy is bequeathed to a person who is named an executor of the will, he shall not take the legacy unless he proves the will or otherwise manifests an intention to act as executor.

Legatee named as executor cannot take unless he shews intention to act as executor.

Illustration.

A legacy is given to A, who is named an executor. A orders the funeral according to the directions contained in the will, and dies a few days after the testator, without having proved the will. A has manifested an intention to act as executor.

PART XIX.

Of Specific Legacies.

129. Where a testator bequeaths to any person a specified part of his property, which is distinguished from all other parts of his property, the legacy is said to be specific.

Specific legacy defined.

The Khojá Succession Bill, 1884.

(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

Illustrations.

(*a.*) A bequeaths to B—

"the diamond-ring presented to him by C:"

"his gold chain:"

"a certain bale of wool:"

"a certain piece of cloth:"

"all his household-goods, which shall be in or about his dwelling-house in M Street, in Calcutta, at the time of his death:"

"the sum of 1,000 rupees in a certain chest:"

"the debt which B owes him:"

"all his bills, bonds and securities belonging to him lying in his lodgings in Calcutta:"

"all his furniture in his house in Calcutta:"

"all his goods on board a certain ship then lying in the river Hughly:"

"2,000 rupees which he has in the hands of C:"

"the money due to him on the bond of D:"

"his mortgage on the Rámpur factory:"

"one-half of the money owing to him on his mortgage of Rámpur factory:"

"1,000 rupees being part of a debt due to him from C:"

"his capital stock of 1,000 *l.* in East India stock:"

"his promissory notes of the Government of India for 10,000 rupees in their 4 per cent. loan:"

"all such sums of money as his executors may, after his death, receive in respect of the debt due to him from the insolvent firm of D and Company:"

"all the wine which he may have in his cellar at the time of his death:"

"such of his horses as B may select:"

"all his shares in the Bank of Bengal:"

"all the shares in the Bank of Bengal which he may possess at the time of his death:"

"all the money which he has in the 5½ per cent. loan of the Government of India:"

"all the Government-securities he shall be entitled to at the time of his decease."

Each of these legacies is specific.

(*b.*) A having Government promissory notes for 10,000 rupees, bequeaths to his executors "Government promissory notes for 10,000 rupees in trust to sell" for the benefit of B.

The legacy is specific.

(*c.*) A having property at Benares, and also in other places, bequeaths to B all his property at Benares.

The legacy is specific.

(*d.*) A bequeaths to B—

his house in Calcutta:

his zamíndárí of Rámpur:

his taluq of Rámnagar:

his lease of the indigo-factory of Salkya:

an annuity of 500 rupees out of the rents of his zamíndárí of W.

A directs his zamíndárí of X to be sold, and the proceeds to be invested for the benefit of B.

Each of these bequests is specific.

(*e.*) A by his will charges his zamíndárí of Y with an annuity of 1,000 rupees to C during his life, and subject to this charge he bequeaths the zamíndárí to D. Each of these bequests is specific.

(*f.*) A bequeaths a sum of money—

to buy a house in Calcutta for B:

to buy an estate in zila Faridpur for B:

to buy a diamond-ring for B:

to buy a horse for B:

to be invested in shares in the Bank of Bengal for B:

to be invested in Government-securities for B.

A bequeaths to B—

"a diamond-ring:"

"a horse:"

"10,000 rupees worth of Government securities:"

"an annuity of 500 rupees:"

"2,000 rupees, to be paid in cash:"

"so much money as will produce 5,000 rupees 4 per cent. Government-securities."

These bequests are not specific.

(*g.*) A, having property in England and property in India, bequeaths a legacy to B, and directs that it shall be paid out of the property which he may leave in India. He also bequeaths a legacy to C, and directs that it shall be paid out of the property which he may leave in England.

No one of these legacies is specific.

130. Where a sum certain is bequeathed, the legacy is not specific merely because the stocks, funds or securities in which it is invested are described in the will.

Bequest of sum certain where stocks, &c., in which invested are described.

Illustration.

A bequeaths to B—

"10,000 rupees of his funded property:"

"10,000 rupees of his property now invested in shares of the East Indian Railway Company:"

"10,000 rupees at present secured by mortgage of Rámpur factory."

No one of these legacies is specific.

131. Where a bequest is made in general terms of a certain amount of any kind of stock, the legacy is not specific merely because the testator was, at the date of his will, possessed of stock of the specified kind, to an equal or greater amount than the amount bequeathed.

Bequest of stock where testator had, at date of will, equal or greater amount of stock of same kind.

Illustration.

A bequeaths to B 5,000 rupees 5 per cent. Government securities. A had at the date of the will five per cent. Government securities for 5,000 rupees.

The legacy is not specific.

132. A money-legacy is not specific merely because the will directs its payment to be postponed until some part of the property of the testator shall have been reduced to a certain form, or remitted to a certain place.

Bequest of money where not payable until part of testator's property disposed of in certain way.

Illustrations.

A bequeaths to B 10,000 rupees, and directs that this legacy shall be paid as soon as A's property in India shall be realized in England.

The legacy is not specific.

133. Where a will contains a bequest of the residue of the testator's property along with an enumeration of some items of property not previously bequeathed, the articles enumerated shall not be deemed to be specifically bequeathed.

When enumerated articles not deemed specifically bequeathed.

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136. If there be a deficiency of assets to pay legacies, a specific legacy is not liable to abate with the general legacies.

Where deficiency of assets to pay legacies, specific legacy not to abate with general legacies.

The Khojá Succession Bill, 1884.

(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

PART XX.

Of Demonstrative Legacies.

137. Where a testator bequeaths a certain sum of money, or a certain quantity of any other commodity, and refers to a particular fund or stock so as to constitute the same the primary fund or stock out of which payment is to be made, the legacy is said to be demonstrative.

Demonstrative legacy defined.

Explanation.—The distinction between a specific legacy and a demonstrative legacy consists in this, that—

where specified property is given to the legatee, the legacy is specific;

where the legacy is directed to be paid out of specified property, it is demonstrative.

Illustrations.

(*a.*) A bequeaths to B 1,000 rupees, being part of a debt due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. The legacy to B is specific; the legacy to C is demonstrative.

(*b.*) A bequeaths to B—

"ten bushels of the corn which shall grow in his field of Greenacre:"

"80 chests of the indigo which shall be made at his factory of Rámpur:"

"10,000 rupees out of his five per cent. promissory notes of the Government of India:"

an annuity of 500 rupees "from his funded property:"

"1,000 rupees out of the sum of 2,000 rupees due to him by C."

A bequeaths to B an annuity, and directs it to be paid out of the rents arising from his taluq of Rámnagar.

A bequeaths to B—

"10,000 rupees out of his estate at Rámnagar," or charges it on his estate at Rámnagar:

"10,000 rupees, being his share of the capital embarked in a certain business."

Each of these bequests is demonstrative.

138. Where a portion of a fund is specifically bequeathed and a legacy is directed to be paid out of the same fund, the portion specifically bequeathed shall first be paid to the legatee, and the demonstrative legacy shall be paid out of the residue of the fund, and, so far as the residue shall be deficient, out of the general assets of the testator.

Order of payment when legacy directed to be paid out of fund the subject of specific legacy.

Illustration.

A bequeaths to B 1,000 rupees, being part of a debt due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. The debt due to A from W is only 1,500 rupees; of these 1,500 rupees, 1,000 rupees belong to B, and 500 rupees are to be paid to C. C is also to receive 500 rupees out of the general assets of the testator.

PART XXI.

Of Ademption of Legacies.

139. If anything which has been specifically bequeathed does not belong to the testator at the time of his death, or has been converted into property of a different kind, the legacy is adeemed; that is, it cannot take effect by reason of the subject-matter having been withdrawn from the operation of the will.

Ademption explained.

Illustrations.

(*a.*) A bequeaths to B—

"the diamond-ring presented to him by C:"

"his gold chain:"

"a certain bale of wool:"

"a certain piece of cloth:"

"all his household-goods which shall be in or about his dwelling-house in M Street, in Calcutta, at the time of his death."

A, in his lifetime,

sells or gives away the ring;
converts the chain into a cup:
converts the wool into cloth:
makes the cloth into a garment:
takes another house into which he removes all his goods

Each of these legacies is adeemed.

(*b.*) A bequeaths to B—

"the sum of 1,000 rupees in a certain chest:"

"all the horses in his stable."

At the death of A, no money is found in the chest, and no horses in the stable.

The legacies are adeemed.

(*c.*) A bequeaths to B certain bales of goods. A takes the goods with him on a voyage. The ship and goods are lost at sea, and A is drowned.

The legacy is adeemed.

140. A demonstrative legacy is not adeemed by reason that the property on which it is charged by the will does not exist at the time of the death of the testator, or has been converted into property of a different kind; but it shall in such case be paid out of the general assets of the testator.

Non-ademption of demonstrative legacy.

141. Where the thing specifically bequeathed is the right to receive something of value from a third party, and the testator himself receives it, the bequest is adeemed.

Ademption of specific bequest of right to receive something from third party.

Illustrations.

(*a.*) A bequeaths to B—

"the debt which C owes him:"

"2,000 rupees which he has in the hands of D:"

"the money due to him on the bond of E:"

"his mortgage on the Rámpur factory."

All these debts are extinguished in A's lifetime, some with and some without his consent.

All the legacies are adeemed.

(*b.*) A bequeaths to B—

"his interest in certain policies of life-assurance."

A in his lifetime receives the amount of the policies. The legacy is adeemed.

142. The receipt by the testator of a part of an entire thing specifically bequeathed shall operate as an ademption of the legacy to the extent of the sum received.

Ademption *pro tanto* by testator's receipt of part of entire thing specifically bequeathed.

Illustration.

A bequeaths to B "the debt due to him by C." The debt amounts to 10,000 rupees. C pays to A 5,000 rupees, the one-half of the debt. The legacy is revoked by ademption, so far as regards the 5,000 rupees received by A.

143. If a portion of an entire fund or stock be specifically bequeathed, the receipt by the testator of a portion of the fund or stock shall operate as an ademption only to the ex-

Ademption *pro tanto* by testator's receipt of portion of entire fund of which portion has been specifically bequeathed.

The Khojá Succession Bill, 1884.

(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

tent of the amount so received; and the residue of the fund or stock shall be applicable to the discharge of the specific legacy.

Illustration.

A bequeaths to B one-half of the sum of 10,000 rupees due to him from W. A in his lifetime receives 6,000 rupees, part of the 10,000 rupees. The 4,000 rupees which are due from W to A at the time of his death belong to B under the specific bequest.

Order of payment where portion of fund specifically bequeathed to one legatee, and legacy charged on same fund to another, and testator having received portion of that fund, remainder insufficient to pay both legacies.

144. Where a portion of a fund is specifically bequeathed to one legatee, and a legacy charged on the same fund is bequeathed to another legatee, if the testator receives a portion of that fund, and the remainder of the fund is insufficient to pay both the specific and the demonstrative legacy, the specific legacy shall be paid first, and the residue (if any) of the fund shall be applied so far as it will extend in payment of the demonstrative legacy, and the rest of the demonstrative legacy shall be paid out of the general assets of the testator.

Illustration.

A bequeaths to B 1,000 rupees, part of the debt of 2,000 rupees due to him from W. He also bequeaths to C 1,000 rupees to be paid out of the debt due to him from W. A afterwards receives 500 rupees, part of that debt, and dies leaving only 1,500 rupees due to him from W. Of these 1,500 rupees, 1,000 rupees belong to B, and 500 rupees are to be paid to C. C is also to receive 500 rupees out of the general assets of the testator.

Ademption where stock, specifically bequeathed, does not exist at testator's death.

145. Where stock which has been specifically bequeathed does not exist at the testator's death, the legacy is adeemed.

Illustration.

A bequeaths to B—

"his capital stock of 1,000*l.* in East India Stock:"

"his promissory notes of the Government of India for 10,000 rupees in their 4 per cent. loan."

A sells the stock and the notes.

The legacies are adeemed.

Ademption *pro tanto* where stock, specifically bequeathed, exists in part only at testator's death.

146. Where stock which has been specifically bequeathed does only in part exist at the testator's death, the legacy is adeemed so far as regards that part of the stock which has ceased to exist.

Illustration.

A bequeaths to B—

"his 10,000 rupees in the 5½ per cent. loan of the Government of India."

A sells one-half of his 10,000 rupees in the loan in question.

One-half of the legacy is adeemed.

Non-ademption of specific bequest of goods described as connected with certain place, by reason of removal.

147. A specific bequest of goods under a description connecting them with a certain place is not adeemed by reason that they have been removed from such place from any temporary cause, or by fraud or without the knowledge or sanction of the testator.

Illustrations.

A bequeaths to B "all his household goods which shall be in or about his dwelling-house in Calcutta at the time of his death." The goods are removed from the house to save them from fire. A dies before they are brought back.

A bequeaths to B "all his household goods which shall be in or about his dwelling-house in Calcutta at the time of his death." During A's absence upon a journey, the whole of the goods are removed from the house. A dies without having sanctioned their removal.

Neither of these legacies is adeemed.

When removal of thing bequeathed does not constitute ademption.

148. The removal of the thing bequeathed from the place in which it is stated in the will to be situated does not constitute an ademption where the place is only referred to in order to complete the description of what the testator meant to bequeath.

Illustrations.

A bequeaths to B all the bills, bonds and other securities for money belonging to him then lying in his lodgings in Calcutta. At the time of his death these effects had been removed from his lodgings in Calcutta.

A bequeaths to B all his furniture then in his house in Calcutta. The testator has a house at Calcutta and another at Chinsurah, in which he lives alternately, being possessed of one set of furniture only, which he removes with himself to each house. At the time of his death the furniture is in the house at Chinsurah.

A bequeaths to B all his goods on board a certain ship then lying in the river Hugli. The goods are removed by A's directions to a warehouse, in which they remain at the time of A's death.

No one of these legacies is revoked by ademption.

When thing bequeathed is a valuable to be received by testator from third person, and testator himself, or his representative, receives it.

149. Where the thing bequeathed is not the right to receive something of value from a third person, but the money or other commodity which shall be received from the third person by the testator himself or by his representatives, the receipt of such sum of money or other commodity by the testator shall not constitute an ademption;

but if he mixes it up with the general mass of his property, the legacy is adeemed.

Illustration.

A bequeaths to B whatever sum may be received from his claim on C. A receives the whole of his claim on C and sets it apart from the general mass of his property. The legacy is not adeemed.

Change by operation of law of subject of specific bequest between date of will and testator's death.

150. Where a thing specifically bequeathed undergoes a change between the date of the will and the testator's death, and the change takes place by operation of law or in the course of execution of the provisions of any legal instrument under which the thing bequeathed was held, the legacy is not adeemed by reason of such change.

Illustrations.

A bequeaths to B "all the money which he has in the 5½ per cent. loan of the Government of India."

The securities for the 5½ per cent. loan are converted during A's lifetime into 5 per cent. stock.

A's bequeaths to B the sum of 2,000*l.*, invested in consols in the names of trustees for A.

The sum of 2,000*l.* is transferred by the trustees into A's own name.

A bequeaths to B the sum of 10,000 rupees in promissory notes of the Government of India which he has power under his marriage-settlement to dispose of by will. Afterwards in A's lifetime, the fund is converted into consols by virtue of an authority contained in the settlement.

No one of these legacies has been adeemed.

The Khojá Succession Bill, 1884.

(Schedule.—Portions of the Indian Succession Act (X of 1865) modified for application to Wills made by Khojás.)

Change of subject without testator's knowledge.

151. Where a thing specifically bequeathed undergoes a change between the date of the will and the testator's death, and the change takes place without the knowledge or sanction of the testator, the legacy is not adeemed.

Illustration.

A bequeaths to B "all his 3 per cent. consols." The consols are, without A's knowledge, sold by his agent, and the proceeds converted into East India stock. This legacy is not adeemed.

Stock specifically bequeathed, lent to third party on condition that it be replaced.

152. Where stock which has been specifically bequeathed is lent to a third party on condition that it shall be replaced, and it is replaced accordingly, the legacy is not adeemed.

Stock specifically bequeathed, sold but replaced and belonging to testator at his death.

153. Where stock specifically bequeathed is sold, and an equal quantity of the same stock is afterwards purchased and belongs to the testator at his death, the legacy is not adeemed.

PART XXII.

Of the Payment of Liabilities in respect of the subject of a Bequest.

Non-liability of executor to exonerate specific legatees.

154. Where property specifically bequeathed is subject at the death of the testator to any pledge, lien or incumbrance, created by the testator himself or by any person under whom he claims, then, unless a contrary intention appears by the will, the legatee, if he accepts the bequest, shall accept it subject to such pledge or incumbrance, and shall (as between himself and the testator's estate) be liable to make good the amount of such pledge or incumbrance.

A contrary intention shall not be inferred from any direction which the will may contain for the payment of the testator's debts generally.

Explanation.—A periodical payment in the nature of land-revenue or in the nature of rent is not such an incumbrance as is contemplated by this section.

Illustrations.

(*a.*) A bequeaths to B the diamond-ring given him by C. At A's death the ring is held in pawn by D, to whom it has been pledged by A. It is the duty of A's executors, if the state of the testator's assets will allow them, to allow B to redeem the ring.

(*b.*) A bequeaths to B a zamíndárí which at A's death is subject to a mortgage for 10,000 rupees, and the whole of the principal sum, together with interest to the amount of 1,000 rupees, is due at A's death. B, if he accepts the bequest, accepts it subject to this charge, and is liable, as between himself and A's estate, to pay the sum of 11,000 rupees thus due.

Completion of testator's title to things bequeathed to be at cost of his estate.

155. Where anything is to be done to complete the testator's title to the thing bequeathed, it is to be done at the cost of the testator's estate.

Illustrations.

(*a.*) A, having contracted in general terms for the purchase of a piece of land at a certain price, bequeaths it to B, and dies before he has paid the purchase-money. The purchase-money must be made good out of A's assets.

(*b.*) A having contracted for the purchase of a piece of land for a certain sum of money, one-half of which is to be paid down, and the other half secured by mortgage of the land, bequeaths it to B, and dies before he has paid or secured any part of the purchase-money. One-half of the purchase-money must be paid out of A's assets.

Exoneration of legatee's immoveable property for which land-revenue or rent payable periodically.

156. Where there is a bequest of any interest in immoveable property, in respect of which payment in the nature of land-revenue or in the nature of rent has to be made periodically, the estate of the testator shall (as between such estate and the legatee) make good such payments or a proportion of them up to the day of his death.

Illustration.

A bequeaths to B a house, in respect of which 365 rupees are payable annually by way of rent. A pays his rent at the usual time, and dies 25 days after. A's estate shall make good 25 rupees in respect of the rent.

Exoneration of specific legatee's stock in joint stock company.

157. In the absence of any direction in the will where there is a specific bequest of stock in a joint stock company, if any call or other payment is due from the testator at the time of his death in respect of such stock, such call or payment shall, as between the testator's estate and the legatee, be borne by such estate;

but if any call or other payment shall, after the testator's death become due in respect of such stock, the same shall, as between the testator's estate and the legatee, be borne by the legatee if he accept the bequest.

Illustrations.

(*a.*) A bequeathed to B his shares in a certain railway. At A's death there was due from him the sum of 5*l.* in respect of each share, being the amount of a call which had been duly made, and the sum of 5*s.* in respect of each share, being the amount of interest which had accrued due in respect of the call. These payments must be borne by A's estate.

(*b.*) A has agreed to take 50 shares in an intended joint stock company, and has contracted to pay up 5*l.* in respect of each share, which sum must be paid before his title to the shares can be completed. A bequeaths these shares to B. The estate of A must make good the payments which were necessary to complete A's title.

(*c.*) A bequeaths to B his shares in a certain railway. B accepts the legacy. After A's death, a call is made in respect of the shares. B must pay the call.

(*d.*) A bequeaths to B his shares in a joint stock company. B accepts the bequest. Afterwards the affairs of the company are wound up and each shareholder is called upon for contribution. The amount of the contribution must be borne by the legatee.

(*e.*) A is the owner of ten shares in a railway company. At a meeting held during his lifetime a call is made of 3*l.* per share payable by three instalments. A bequeaths his shares to B, and dies between the day fixed for the payment of the first and the day fixed for the payment of the second instalment and without having paid the first instalment. A's estate must pay the first instalment, and B, if he accepts the legacy, must pay the remaining instalments.

PART XXIII.

Of Bequests of Things described in general terms.

Bequest of thing described in general terms.

158. If there be a bequest of something described in general terms, the executor must purchase for the legatee what may reasonably be considered to answer the description.

Illustrations.

(*a.*) A bequeaths to B a pair of carriage-horses, or a diamond-ring. The executor must provide the legatee with such articles, if the state of the assets will allow it.

(*b.*) A bequeaths to B "*his* pair of carriage-horses." A had no carriage-horses at the time of his death. The legacy fails.

PART XXIV.

Of Bequests of the Interest or Produce of a Fund.

Bequest of interest or produce of fund.

159. Where the interest or produce of a fund is bequeathed to any person, and the will affords no indication of an intention that the enjoyment of the bequest should be of limited duration, the principal as well as the interest shall belong to the legatee.

Illustrations.

(*a.*) A bequeaths to B the interest of his five per cent. promissory notes of the Government of India. There is no other clause in the will affecting those securities. B is entitled to A's five per cent. promissory notes of the Government of India.

(*b.*) A bequeaths the interest of his 5½ per cent. promissory notes of the Government of India to B for his life, and after his death to C. B is entitled to the interest of the notes during his life and C is entitled to the notes upon B's death.

(*c.*) A bequeaths to B the rents of his lands at X. B is entitled to the lands.

PART XXV.

Of Bequests of Annuities.

Annuity created by will payable for life only, unless contrary intention appears by will.

160. Where an annuity is created by will, the legatee is entitled to receive it for his life only unless a contrary intention appears by the will. And this rule shall not be varied by the circumstance that the annuity is directed to be paid out of the property generally, or that a sum of money is bequeathed to be invested in the purchase of it.

Illustrations.

(*a.*) A bequeaths to B 500 rupees a year. B is entitled during his life to receive the annual sum of 500 rupees.

(*b.*) A bequeaths to B the sum of 500 rupees monthly. B is entitled during his life to receive the sum of 500 rupees every month.

(*c.*) A bequeaths an annuity of 500 rupees to B for life, and on B's death to C. B is entitled to an annuity of 500 rupees during his life. C, if he survives B, is entitled to an annuity of 500 rupees from B's death until his own death.

Period of vesting where will directs that annuity be provided out of proceeds of property, or out of property generally or where money bequeathed to be invested in purchase of annuity.

161. Where the will directs that an annuity shall be provided for any person out of the proceeds of property, or out of property generally, or where money is bequeathed to be invested in the purchase of any annuity for any person, on the testator's death the legacy vests in interest in the legatee, and he is entitled at his option to have an annuity purchased for him or to receive the money appropriated for that purpose by the will.

Illustrations.

(*a.*) A by his will directs that his executors shall out of his property purchase an annuity of 1,000 rupees for B. B is entitled at his option to have an annuity of 1,000 rupees for his life purchased for him, or to receive such a sum as will be sufficient for the purchase of such an annuity.

(*b.*) A bequeaths a fund to B for his life, and directs that after B's death it shall be laid out in the purchase of an annuity for C. B and C survive the testators. C dies in B's lifetime. On B's death the fund belongs to the representative of C.

Abatement of annuity.

162. Where an annuity is bequeathed, but the assets of the testator are not sufficient to pay all the legacies given by the will, the annuity shall abate in the same proportion as the other pecuniary legacies given by the will.

Where gift of annuity and residuary gift, whole annuity to be first satisfied.

163. Where there is a gift of an annuity and a residuary gift, the whole of the annuity is to be satisfied before any part of the residue is paid to the residuary legatee, and, if necessary, the capital of the testator's estate shall be applied for that purpose.

PART XXVI.

Of Legacies to Creditors and Portioners.

Creditor *primâ facie* entitled to legacy as well as debt.

164. Where a debtor bequeaths a legacy to his creditor, and it does not appear from the will that the legacy is meant as a satisfaction of the debt, the creditor shall be entitled to the legacy as well as to the amount of the debt.

Child *primâ facie* entitled to legacy as well as portion.

165. Where a parent, who is under obligation by contract to provide a portion for a child, fails to do so, and afterwards bequeaths a legacy to the child, and does not intimate by his will that the legacy is meant as a satisfaction of the portion, the child shall be entitled to receive the legacy as well as the portion.

Illustration.

A, by articles entered into in contemplation of his marriage with B, covenanted that he would pay to each of the daughters of the intended marriage a portion of 20,000 rupees on her marriage. This covenant having been broken, A bequeaths 20,000 rupees to each of the married daughters of himself and B. The legatees are entitled to the benefit of this bequest in addition to their portions.

No ademption by subsequent provision for legatee.

166. No bequest shall be wholly or partially adeemed by a subsequent provision made by settlement or otherwise for the legatee.

Illustrations.

(*a.*) A bequeaths 20,000 rupees to his son B. He afterwards gives to B the sum of 20,000 rupees. The legacy is not thereby adeemed.

(*b.*) A bequeaths 40,000 rupees to B, his orphan-niece, whom he had brought up from her infancy. Afterwards on the occasion of B's marriage, A settles upon her the sum of 30,000 rupees. The legacy is not thereby diminished.

PART XXVII.

Of Election.

Circumstances in which election takes place.

167. Where a man, by his will, professes to dispose of something which he has no right to dispose of, the person to whom the thing belongs shall elect either to confirm such disposition or to dissent from it, and in the latter case he shall give up any benefits which may have been provided for him by the will.

Devolution of interest relinquished by owner.

168. The interest so relinquished shall devolve as if it had not been disposed of by the will in favour of the legatee, subject, nevertheless, to the charge of making good to the disappointed legatee the amount or value of the gift attempted to be given to him by the will.

Testator's belief as to his ownership immaterial.

169. This rule will apply whether the testator does or does not believe that which he professes to dispose of by his will to be his own.

Illustrations.

(*a.*) The farm of Sultánpur was the property of C. A bequeathed it to B, giving a legacy of 1,000 rupees to C. C has elected to retain his farm of Sultánpur, which is worth 800 rupees. C forfeits his legacy of 1,000 rupees, of which 800 rupees goes to B, and the remaining 200 rupees falls into the residuary bequest, or devolves according to the rules of intestate succession, as the case may be.

(*b.*) A bequeaths an estate to B in case B's elder brother (who is married and has children) shall leave no issue living at his death. A also bequeaths to C a jewel, which belongs to B. B must elect to give up the jewel, or to lose the estate.

(*c.*) A bequeaths to B 1,000 rupees, and to C an estate which will, under a settlement, belong to B if his elder brother (who is married and has children) shall leave no issue living at his death. B must elect to give up the estate, or to lose the legacy.

(*d.*) A, a person of the age of 18 domiciled in British India, but owning real property in England, to which C is heir-at-law, bequeaths a legacy to C, and, subject thereto, devises and bequeaths to B "all his property, whatsoever and wheresoever," and dies under 21. The real property in England does not pass by the will. C may claim his legacy without giving up the real property in England.

Bequest for man's benefit how regarded for purpose of election.

170. A bequest for a man's benefit is, for the purpose of election, the same thing as a bequest made to himself.

Illustration.

The farm of Sultánpur Khurd being the property of B, A bequeathed it to C, and bequeathed another farm called Sultánpur Buzurg to his own executors, with a direction that it should be sold, and the proceeds applied in payment of B's debts. B must elect whether he will abide by the will, or keep his farm of Sultánpur Khurd in opposition to it.

Person deriving benefit indirectly not put to election.

171. A person taking no benefit directly under the will, but deriving a benefit under it indirectly, is not put to his election.

Illustration.

The lands of Sultánpur are settled upon C for life, and after his death upon D, his only child. A bequeaths the lands of Sultánpur to B, and 1,000 rupees to C. C dies intestate shortly after the testator, and without having made any election. D takes out administration to C, and as administrator elects on behalf of C's estate to take under the will. In that capacity he receives the legacy of 1,000 rupees, and accounts to B for the rents of the lands of Sultánpur which accrued after the death of the testator, and before the death of C. In his individual character he retains the lands of Sultánpur in opposition to the will.

Person taking in individual capacity under will may in other character elect to take in opposition.

172. A person who in his individual capacity takes a benefit under the will may in another character elect to take in opposition to the will.

Illustration.

The estate of Sultánpur is settled upon A for life, and after his death upon B. A leaves the estate of Sultánpur to D, and 2,000 rupees to B, and 1,000 rupees to C, who is B's only child. B dies intestate, shortly after the testator, without having made an election. C takes out administration to B, and as administrator elects to keep the estate of Sultánpur in opposition to the will, and to relinquish the legacy of 2,000 rupees. C may do this, and yet claim his legacy of 1,000 rupees under the will.

Exception to the six last Rules.—Where a particular gift is expressed in the will to be in lieu of something belonging to the legatee, which is also in terms disposed of by the will, if the legatee claims that thing, he must relinquish the particular gift, but he is not bound to relinquish any other benefit given to him by the will.

Illustration.

Under A's marriage-settlement his wife is entitled, if she survives him, to the enjoyment of the estate of Sultánpur during her life.

A by his will bequeaths to his wife an annuity of 200*l.* during her life, in lieu of her interest in the estate of Sultánpur, which estate he bequeaths to his son. He also gives his wife a legacy of 1,000*l.* The widow elects to take what she is entitled to under the settlement. She is bound to relinquish the annuity, but not the legacy of 1,000*l.*

When acceptance of benefit given by will constitutes election to take under will.

173. Acceptance of a benefit given by the will constitutes an election by the legatee to take under the will, if he has knowledge of his right to elect, and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he waives inquiry into the circumstances.

Illustrations.

(*a.*) A is owner of an estate called Sultánpur Khurd, and has a life-interest in another estate called Sultánpur Buzurg, to which, upon his death, his son B will be absolutely entitled. The will of A gives the estate of Sultánpur Khurd to B, and the estate of Sultánpur Buzurg to C. B, in ignorance of his own right to the estate of Sultánpur Buzurg, allows C to take possession of it, and enters into possession of the estate of Sultánpur Khurd. B has not confirmed the bequest of Sultánpur Buzurg to C.

(*b.*) B, the eldest son of A, is the possessor of an estate called Sultánpur. A bequeaths Sultánpur to C, and to B the residue of A's property. B, having been informed by A's executors that the residue will amount to 5,000 rupees, allows C to take possession of Sultánpur. He afterwards discovers that the residue does not amount to more than 500 rupees. B has not confirmed the bequest of the estate of Sultánpur to C.

Presumption arising from enjoyment by legatee for two years.

174. Such knowledge or waiver of inquiry shall, in the absence of evidence to the contrary, be presumed if the legatee has enjoyed for two years the benefits provided for him by the will without doing any act to express dissent.

Confirmation of bequest by act of legatee.

175. Such knowledge or waiver of inquiry may be inferred from any act of the legatee which renders it impossible to place the persons interested in the subject-matter of the bequest in the same condition as if such act had not been done.

Illustration.

A bequeaths to B an estate to which C is entitled and to C a coal-mine. C takes possession of the mine, and exhausts it. He has thereby confirmed the bequest of the estate to B.

When testator's representatives may call upon legatee to elect.

176. If the legatee shall not, within one year after the death of the testator, signify to the testator's representatives his intention to confirm or to dissent from the will, the representatives shall, upon the expiration of that period, require him to make his election;

Effect of non-compliance.

and if he does not comply with such requisition within a reasonable time after he has received it, he shall be deemed to have elected to confirm the will.

Postponement of election in case of disability.

177. In case of disability the election shall be postponed until the disability ceases, or until the election shall be made by some competent authority.

STATEMENT OF OBJECTS AND REASONS.

THE Khojás are members of a sect which was originally Hindu but was converted to Muhammadanism about 400 years ago. They still, however, as has been more than once held by the highest Court in the Bombay Presidency, retain their former law to such an extent in matters connected with property and succession that it is to be presumed to apply to them until the contrary is shown. This state of things has at times given rise to great difficulties in litigation between Khojás.

2. In the case of *Hirbai* v. *Gorbai*, 12 Bom. High Court Rep. 294, which appears to have occupied the Lower Court for twenty-four sitting days and the Appellate Court for four days, Sir Michael Westropp, C. J., after describing the state of the law, observed as follows :—

"It is, however, evident that the Khojás are not as firmly bound in matters of succession and inheritance by the Hindu law as Muhammadans proper are by the Muhammadan law and the Hindus by the Hindu law, and hence it is that it would not be reasonable to require such stringent proof of a custom of inheritance amongst them differing from ordinary Hindu law as from a Hindu.

"Now, it is manifest that such a state of the law must greatly encourage litigation, and we cannot help thinking that it would be most desirable that the Government should take steps, as was done in the case of the Pársís, to ascertain the views of the majority of the community on the subject of succession, and should then pass an enactment giving effect to those views. Unanimity, of course, could not be expected, but the rules which were found generally to prevail might be made law ; and though the religious differences existing among members of the Khojá caste might create some difficulty, it would not, we think, be insuperable."

3. The Government of Bombay, acting upon this suggestion, appointed about the end of the year 1878 a Commission consisting of four gentlemen taken from the Shia division of the Khojás, which acknowledged His Highness the late Aghá Khán as its spiritual superior, one taken from the Sunni division, and Mr. Spencer, Acting First Judge of the Court of Small Causes, with the Hon'ble Mr. Justice Melvill, of the Bombay High Court, as president.

The Commission took the greatest pains to inform themselves of the customs and views of both divisions of the Khojá sect in the Presidency of Bombay and elsewhere, and after much consideration and discussion agreed upon a draft Bill, subject to a dissent on a few specific points which was signed by His Highness Aghá Alí Sháh, son of His Highness the late Aghá Khán, and Mr. Dhurrumsey Poonjabhoy but not by Mr. Jairajbhoy Peerboy and Mr. Rahimtula Syance, the two other Shia members of the Commission. That draft, having been submitted to the Government of Bombay by the president on the 23rd of December, 1879, and approved of by that Government, was forwarded to the Government of India, and forms the basis of the present Bill.

4. It will be convenient to refer to the provisions of the present Bill as nearly as possible in their order, noticing in their proper place the few points in regard to which His Highness Aghá Alí Sháh and Mr. Dhurrumsey Poonjabhoy differed from the majority of the Commission, and the points of substantive importance in which the present Bill deviates from the draft framed by the Commission.

5. The first provision calling for notice is section 2, which defines the application of the Act—a matter which was not clearly provided for in the Bill prepared by the Commission. The main enactment of the section is that succession to the property, whether moveable or immoveable, in British India of a Khojá dying on or after the first day of January, 1885, shall be regulated by the rules contained in the Act wherever he may have had his domicile at the time of his death. So far as regards immoveable property, this provision coincides with section 5 of the Indian Succession Act, but, as regards moveable property, it involves an important deviation from that section, inasmuch as it applies the Act to all successions to such property though the deceased person may have been domiciled outside British India at the time of his death.

As the rule, which makes the law of the domicile of a deceased person regulate the succession to his moveable property, is not merely the rule of the Indian Succession Act but has obtained very general acceptance elsewhere, it seems desirable to state the reasons which have led the Government of India to think that it is not suitable to the Khojá community.

6. The choice as regards succession to moveable property appears to lie between the law of the domicile of the deceased and the law of the *situs* of the assets. The objections urged against the latter in Western countries are chiefly that a man's moveables are apt to be scattered over many jurisdictions each having a readily ascertainable law of its own, and that accordingly, if the law of the *situs* is made applicable to them, his estate will be broken up into many fragments, all governed by different laws; that a man's moveables may change their place; that the most important class of them, goods employed in commerce, are constantly changing their place; and that accordingly, if the law of the *situs* is applied, it will be impossible for him to foresee the particular law under which they will fall upon his death; and lastly, that the rule of the law of the *situs* does not clearly provide for that portion of the assets which consists of debts or other obligations existing in favour of the deceased. To avoid these difficulties it has been

generally agreed to adopt the law of the domicile of the deceased for the whole of his moveable estate. Various attempts have been made to rest this rule on some *á priori* principle; but it would seem to have had its actual origin in mere considerations of convenience.

7. Looking to the arguments by which it is supported, and to the peculiar circumstances of the Khojá community, it is questionable, to say the least, whether such a rule would meet the requirements of their case. The places beyond the limits of British India, as, for example, Kutch, the Persian Gulf and Zanzibar, in which any considerable number of Khojás is to be found have no law such as can properly be called a territorial law of succession. The tribunals in such places, in so far as they make any rational attempt to apply a law at all, would apply the personal law of the parties, and that in the case of Khojás is *ex hypothesi* altogether unsettled and unascertainable. There is thus in the case of Khojás domiciled out of British India practically speaking no law of the *situs* of the foreign assets to conflict with the law which would apply to the British Indian assets, and no law of the domicile to which recourse could be had; and, therefore, to give the law of the domicile a preference over the Indian law would be simply to substitute a congeries of indefinite and half-established customs for a law, to the application of which there could be no reasonable objection.

It may be added that, in the absence of a law of the domicile, the case is very analogous to those cases in which it is impossible to fix the domicile of the deceased, and the solution which Lord Alvanley appears to have suggested in a case of this latter class was to fall back, as is proposed in this case, on the law of the *situs* of the property; in other words, to put moveables on the same footing as immoveables.

8. If this solution is adopted, and the Indian law is applied to all moveables left by a deceased Khojá in British India, without regard to his domicile, and if, moreover, the same rule is applied, as it naturally would be, in cases arising in Consular jurisdictions in the Persian Gulf, Zanzibar and elsewhere, this further advantage will probably in time be gained, that the law in British India will come to be adopted as a personal law applicable to Khojás in all foreign States in this part of the world.

9. The above remarks apply equally to intestate and to testamentary succession. A question might indeed be raised as to whether a testamentary disposition made beyond the limits of British India should as regards its form be made absolutely subject to British Indian law; but, seeing that the effect of taking any other course would certainly be to admit oral dispositions, it seems clear that the risk of failures of justice will be on the whole less by subjecting completely to our law all dispositions, wherever made, of moveable property in British India.

10. In connection with the definitions it is convenient to notice one of the few important questions on which any difference of opinion has arisen, namely, the question as to the status to be assigned to a woman who is not a Khojá but who is legally married to a Khojá according to the rules of the Muhammadan law, and to her children by him.

The Khojás of the Sunni Jamát, though apparently unwilling to go so far as to recognize any other than a Khojá widow as entitled to inherit from her husband, proposed that the sons of a Khojá by a wife who is not a Khojá should have some share in the inheritance. To this the Khojás of the Shia Jamát would not agree, and the Commission ultimately adopted as a compromise the plan of assigning to the offspring of the marriages in question a status nominally intermediate between those of legitimacy and illegitimacy and giving them in the definition-clauses the designation of "alien sons", but allowing them nothing more than illegitimate sons in the later sections of their Bill. It is stated that the Khojás as a rule are very exclusive and rarely take wives from outside their own community, and so long as this state of things continues the mode in which this point is dealt with is not of great practical moment; but there is an important principle involved, against which even the compromise adopted by the Commission appears to the Government of India to offend. The exclusion of the non-Khojá wife from inheritance and the degradation of her sons to a position altogether lower than that of the legitimate son involves a view as to restrictions on marriage which, even though it may have obtained acceptance with a majority of the Khojá sect, and though the Government has no desire to interfere with it, it is manifestly undesirable to have affirmed by the legislature. The present Bill will accordingly be found to contain no reference either in its definition-clauses or elsewhere to the so-called "alien son." It defines "son" to be a legitimate son and leaves "widow" undefined, and then proceeds to declare the rights of sons and widows, trusting to the Courts to decide, as they will on principles lying outside the law of succession, who are legally entitled to the status of sons and widows.

11. Chapter II of the Bill deals with "succession to the undivided property of a male Khojá dying intestate," and in the previous chapter "undivided property" has been defined as meaning "a share in property belonging to an undivided family." The Bill prepared by the Commission purported to define the phrase "undivided family," but the definition proposed has on inquiry been found to be unsafe. The undivided family among the Khojás appears to come into existence chiefly in connection with trade, and would seem to be an institution of a peculiar nature, somewhat resembling the undivided family among the Hindus; but, on the other hand, it is clear, from the rules laid down in certain sections of the Bill prepared by the Commission, and from the papers submitted with that Bill, that it differs in important respects from the Hindu undivided family. What exactly it is, and when property is to be regarded as its undivided property, it is difficult to ascertain from the papers before the

Government of India; but, judging from the analogous case in Hindu law, it would seem that these are matters which it would be almost hopeless to attempt to define in an Act of the legislature; nor does it appear to be necessary to define them in a Succession Act. It may well be assumed that a fundamental distinction which goes to the root of the family constitution, and which is not confined in its operation to matters of succession, but applies also *inter vivos*, is established outside this Bill. For these reasons, it has been thought best to make no attempt to define "undivided family" or "undivided property" in the present Bill.

12. It will be observed, on comparing Chapters II and III, that the only peculiarity connected with the intestate succession to undivided property is (section 6) that, in default of legitimate lineal male descendants of the intestate within the fourth degree, the property is equally divided among all the male members of the undivided family living at his death.

13. Chapter III of the Bill treats of "succession to the separate property of a male Khojá dying intestate," and the order of succession marked out in sections 7 to 20 will be found to be based on that of the Hindu law.

The subjoined statement has been prepared by the Hon'ble Mr. Melvill, the President of the Commission, with a view to showing at a glance the extent to which the two differ—

Order of succession according to Hindu law.	*Order of succession for Khojás proposed by the Bill.*
1. Sons.	1. Sons.
2. Grandsons.	2. Grandsons.
3. Great-grandsons.	3. Great-grandsons.
4. Widow.	4. Great-great-grandsons.
5. Daughters.	5. Father.
6. Daughters' sons.	6. Mother.
7. Mother.	7. Widow.
8. Father.	8. Daughters.
9. Brothers.	9. Daughters' sons. }
10. Half-brothers.	10. Brothers. }
11. Brothers' sons.	11. Sons' daughters.
12. Half-brothers' sons.	12. Brothers' sons.
13. Great-grandmother.	13. Half-brothers.
14. Sister (under the Mayukha).	14. Half-brothers' sons.
15. Grandfather.	15. Grandfather.
16. More distant relatives.	16. Grandmother.
	17. Paternal uncle.
	18. Sister.
	19. More distant relatives.

"It will be seen," Mr. Melvill observes, "that the only very noticeable point of difference is that among the Khojás the father and mother are elevated to a rank in the order of succession superior to that of the widow. This precedence of the mother has been judicially settled in the case of *Hirbai* v. *Gorbai**, already referred to; and although the Khojá members of the Commission were not unanimously in favour of the view taken in that case, they all agreed that, having once been judicially determined, the rule should not be disturbed."

* Reported 12 Bom. H. C. Rep., 294.

14. Section 20 of the present Bill differs in one important particular from the corresponding section (29) of the Bill prepared by the Commission.

The latter admitted to the succession only those of the "more distant relatives" of the intestate who were on the father's side, and confined it to such of them as are within the seventh degree of kindred. On failure of this limited class of distant kindred, section 42 gave the property "to the Jamát of that sect of the Khojás to which the intestate belonged at the time of his death, to be held and applied according to the customs of the said Jamát." Even this did not satisfy the two dissenting members of the Commission and some of the other adherents of His Highness the late Aghá Khán, who, as Imám, was the person chiefly interested in the succession of the Jamát. They contended that the Jamát should come in immediately after the nearer relations.

The Government of India, after fully considering this point in communication with the local authorities, have come to the conclusion that it is impossible to exclude the heirs of a deceased person in favour of any such institution as a "Jamát," or any person or authority representing such an institution. It is open to any Khojá who desires that his property should be devoted to any charitable or religious purpose, or should be enjoyed by any spiritual person for whom he entertains a special veneration, to dispose of his property by will or otherwise in accordance with law, but, if he dies intestate, it would be contrary to all established principles to enact that his property should devolve otherwise than upon his relatives.

15. Apart from this fundamental objection in point of principle, there appear to be practical objections to the proposal as formulated by the Commission. The Jamát is said to be an assembly in council of all the adult male members of the Khojá community of the place, and it is not unlikely that doubts would arise, in connection with matters of religious belief, residence, attendance at the Jamát, and so forth, as to the particular Jamát (if any) to which the deceased person belonged. Similar doubts might also arise as to who were the other persons actually belonging to the Jamát to which the deceased belonged, so as to take the property. There might further be doubts as to how the property of a deceased intestate Khojá is to be held,

and the objects to which it is to be applied. It is true that the section proposed by the Commission says that the property is to be held and applied "according to the customs of the said Jamát." But from a judgment of Sir J. Arnould in the case marginally noted, it would appear that there are no customs to look to. Though a Jamát collects large sums of money through its officers, it only does so on behalf of the Imám; the money collected is passed on to him; and if the Jamát wants any portion of it, even for the expenses of its Jamát-kháná (the council-hall or guildhall of the community), it can procure it only as a grant from the Imám. It appears to be absolutely in the discretion of the Imám to spend the money as he pleases, and as a matter of fact he spends a large portion of it, or at least is said by Sir J. Arnould to have done so at the time the judgment was delivered, on his own private purposes. Indeed, in a set of draft rules of succession for Shia Khojás submitted by His Highness Ágha Alí Sháh the succession of the Jamát is treated as the same thing with the succession of the Imám. The Jamát, therefore, does not seem to have any property or control over property, and it is not clear how there can be any custom governing the application of property by it. It has been argued that no such difficulties as those suggested ordinarily arise at present, but it would be clearly impossible to put the succession of the Jamát on a legislative basis without defining its conditions and incidents, and it would be equally impossible to place the property at the absolute disposal of any individual in whatever degree of veneration he might be held.

Dayá Muhammad and others versus *H. H. Ágha Khán and others* (page 323 of the Bombay High Court Reports, Vol. XII).

16. For these reasons section 20 of the present Bill extends the succession to relatives of the intestate both on the father's and on the mother's side without limit of degree, and it may be added that section 48 applies the ordinary rule, which makes the Crown the ultimate heir, in the rare case in which an owner of property may die intestate and leave no person entitled to succeed under the previous sections.

17. Section 21 is one of the leading sections of the Bill. It provides in effect that, when a female inherits under any of the foregoing sections, she shall, if certain near male relatives are living and are thus postponed to her, take the property only as "restricted owner"—a position to be presently explained at length. With this section should be read section 49, from which it will be seen that in other cases she takes the same interest in the property and has the same powers in respect of it as if she were a male.

18. Chapter IV treats of succession to the absolute property of a female Khojá dying intestate, that is to say, the succession to such of her property as belongs to her otherwise than as restricted owner. The provisions of this chapter call for no remark. Mr. Melvill states that they differ from the Hindu law but that they are approved by all classes of the Khojás, and are not, he thinks, open to any objection. The particulars in which they deviate from the Hindu law or the reasons for the deviations are not explained. They have been accepted by the Government of India as settled by the Commission, such details only being filled in after consultation with the local authorities as seemed necessary to give effect to what is understood to be the intention of those who framed them.

19. Chapter V, which treats of "property which a female takes as restricted owner and the further succession to the same," calls for more detailed notice.

It applies not only in the ordinary case of property taken by a female as restricted owner under Chapter III (*supra*, paragraph 17), but also in cases where she may take a similar interest in property under section 23 (2), section 24 (1), section 27 and section 39.

Its provisions are merely a development, with the requisite amplifications and with the addition of the necessary machinery, of the corresponding provisions of the Bill framed by the Commission. It has been settled in consultation with the local authorities and with a view to giving effect to what are understood to be the views of the Commission; but, having regard to the novelty and complication of the subject, it is not unlikely that when subjected to criticism it will be found susceptible of improvement in many particulars.

The limited estate taken by a Khojá female under this Bill resembles the estate taken by a Hindu widow, but there are many important differences between them. Mr. Melvill observes that the Khojá female estate is the more restricted of the two, but on this point he says the Khojás hold very strong views which he is of opinion must be respected.

20. In proceeding to notice the details of the chapter, the first point calling for attention is the phrase "restricted owner." It has been chosen merely on the ground that it is new and connotes nothing, and it is not unlikely that some more appropriate phrase may be suggested. The phrase "life-estate" and its correlative "reversion," used in the Bombay Bill, are not only open to the objection that ordinarily lies against all terms imported from another legal system, but further, as has been constantly observed of them in the case of the Hindu widow's estate, they suggest an altogether false analogy. The position, if it is necessary to illustrate it by reference to English law, is rather like that of a fee-simple estate subject to an executory devise.

21. As regards the attempt made in the Bill to define the estate, it will be observed that section 28 enacts that the female shall be absolutely entitled to the use of, and the income accruing from, the property during her life, and, except as otherwise provided by the Act, shall have all the other rights and powers of an absolute owner.

An objection has been taken to this on the ground that money saved by a widow from the income of the property should not belong to her absolutely but should go to her husband's heirs.

This contention is not based on any alleged actual practice, but is put forward merely as a "necessary consequence of the invariable custom" which limits the widow's interest in the *corpus* of her husband's property to the time during which she remains unmarried.

Now, not only is it not a necessary consequence of the custom in question, but it is, as admitted by the objectors themselves, in a certain sense illogical; for why should a person who has absolute power to dispose of the income as it comes in, in whatever way she pleases, be restricted from dealing with her savings from it?

Again, the only effect of adopting the proposed suggestion would, as the objectors themselves admit, generally be that the widow would squander the income as it came in; and, in the rare cases in which she allowed some of it to accumulate, the probability is that litigation would result from the difficulty of identifying the fund and separating it from the rest of her property. For these reasons the section has been allowed to stand.

22. Section 30 defines the obligations of the restricted owner as regards—

(*a*) the preservation of the substance of the property for those who are to come after her; and

(*b*) the protection of the title,

As regards "waste," it stands on a footing altogether peculiar in the case of the Hindu widow; and clause (*a*) of this section has been drawn with a view to placing it on a somewhat similar footing in the case of the restricted owner.

23. As regards the powers of alienation, in the limitations on which the restricted nature of the estate chiefly consists, the only powers of alienation for any time beyond the life of the restricted owner allowed to her by the Bill, besides a limited power of leasing conferred by section 29, are those specified in section 31, which runs as follows:—

"31. A female taking property as restricted owner shall have power to transfer the same, so that the transfer may have effect beyond her life, when, the income being insufficient, such transfer is necessary in order to raise money for any of the following purposes, namely:—

Restricted owner's power of transfer.

"(*a*) to discharge any of the obligations imposed by section 30;*

* *Viz.*, obligations to preserve the substance of the property and protect the title.

"(*b*) to discharge the debts of the absolute owner from whom the property descended;

"(*c*) to provide for the maintenance of any persons entitled under this Act to have their maintenance provided for out of the property, for the payment of any marriage expenses or funeral expenses payable under this Act out of the property, and for the performance of any ordinary family ceremonies; and

"(*d*) to support herself where she has no other sufficient means of support."

24. It has been urged by the two dissenting members of the Commission and by some other adherents of His Highness the Imám that a mother taking a restricted estate should have larger powers of alienation and that she or a widow taking a like estate should be empowered to alienate for religious objects; that is, as explained in the set of draft rules submitted by His Highness Aghá Alí Sháh, to give the property to the Imám; but, upon considering the arguments adduced and consulting the local authorities, the Government of India have determined to uphold the decision of the majority of the Commission, which is against the concession of any such powers.

25. In order to avoid as far as possible the great difficulties which arise in the case of a Hindu widow exceeding her power of alienation, an alienation in excess of the power has (section 29 of the Bill) been made absolutely void for any period beyond the restricted owner's life, except where the purchaser takes for consideration and without notice of the ownership being restricted. This, no doubt, standing alone, would place too great difficulties in the way of alienation; but sufficient relief will probably be afforded by the power to apply to a Court for sanction, which is given by section 32. It may be objected that it is undesirable to force people to resort to a Court in such matters; but the case is one of a choice of evils, and it is probably better that they should resort to the Court in every case where there is any room for doubt than run the risk of being involved in troublesome and expensive litigation later on.

A Court dealing with an application under section 32 is empowered (section 33) to accord its sanction to the transfer subject to the condition that the money thereby raised shall be paid into Court or to trustees appointed by the Court, and to give such further directions as it may think fit with a view to ensuring that the money shall be applied to the purpose for which it is raised, or that any balance that is not so applied shall be secured for the benefit of those entitled after the restricted owner.

26. It will be observed that no provision is made in the draft for alienation with the consent of the so-called "reversioners." This matter is one which gives rise to great difficulties in the case of the Hindu widow, and it seems impossible, having regard to the system of succession established by the Bill, to provide for it in any satisfactory manner. If provision had only to be made to meet the case of "reversioners" who claim under section 37 (1) and section 38 (3) by descent from the last absolute owner, the matter would be much simpler than in the case of the Hindu widow, inasmuch as these "reversioners" would always be known living persons or persons who would claim through them; but there are, besides these, the "reversioners" mentioned in section 38 (1) and (2), and it is thus impossible to fix upon any person whose consent would be sufficient.

27. Further, even if we were, as has been suggested, to waive this objection, and accept the consent of a merely presumptive "reversioner," there is another difficulty, namely, that the presumptive "reversioner" might (see section 39 of the Bill) be another restricted owner, possibly an old woman on the verge of the grave, whose prospect of succeeding would be extremely small. There might be several such persons intervening between the restricted owner and the first person who would take as absolute owner. We could hardly rest satisfied with anything short of the consent of this last person and all the intervening ones, and thus we should be landed in a considerable complication, leading in many cases to no very satisfactory result, inasmuch as the interest of the first person who would take as absolute owner, and to whose consent we would chiefly look, would often be of a remotely contingent nature. It is, of course, on economical grounds desirable to provide a means of freeing the property from the limited ownership, but the advantage would be dearly purchased if the basis of the purchaser's title were to be complicated in this way.

28. As regards the sale of property in execution of a decree against a restricted owner, it will be seen that the effect of section 34 of the Bill is that a person lending money for any of the purposes mentioned in section 31 can sell in execution nothing more than the so-called "life-interest" of the restricted owner, unless his loan is secured by a mortgage. The position of the restricted owner as regards anything beyond her so-called life-interest is, in fact, in this particular, somewhat similar to that of an English executor with power to charge the real estate. If it were otherwise, there might arise, in cases of execution for unsecured debts, the same difficult questions which the preceding sections are intended to shut out in cases of voluntary alienation.

29. It will be observed that, by sections 37 (2) and 38 (4) of the Bill the Crown is postponed to the general heirs of the restricted owner. This appears to be right, though it is gathered from the case of *The Collector of Masulipatam* v. *Cavaly Vencata Narrainapah* (8 Moo. I. A. 529),—this precise point was not there decided,—that it is otherwise in the case of a Hindu woman's estate.

30. Sections 35 and 36 in effect provide that the restricted owner shall represent the property in judicial proceedings and compromises of disputes and for the purposes of laws of limitation and prescription, so as to bind those who take after her.

31. Sections 37 to 39, which regulate the devolution of property after the death of the restricted owner, have been drawn with a view to carry out what is understood to be the intentions of the Commission.

Their main provisions are that—

(*a*) when the restricted owner dies unmarried, the property shall belong to the person to whom it would then have belonged if she had died before the absolute owner from whom it descended and it had descended under the Act without having been alienated, and in default of such person it shall descend as if the female were not a restricted owner; and

(*b*) when the restricted owner has been married, the property shall on her death go to certain of her descendants, and if there are no such descendants shall devolve as just stated.

32. From section 39 it will be seen, as already observed, that property may devolve upon two or more restricted owners in succession. This is to be regretted, but it seems to be an essential part of the scheme.

33. Section 40 regulates the legal relations arising where two or more widows of a deceased Khojá take his property together as restricted owners, and provides that there shall be a right of survivorship between them.

34. Section 41 provides that a widow marrying again after her husband's death shall not be entitled to take as restricted owner his property or any property of any of his lineal descendants which has descended to them from him, and that, if a widow taking any such property as restricted owner subsequently marries again, she shall be deemed for the purposes of certain sections of the chapter to have died. One effect of this latter provision is that the restricted ownership of the widow ceases on her re-marriage.

35. Coming now to Chapter VI, relating to the wills of Khojás, it will be observed that all matters connected with probate and letters of administration are in the case of Khojás, as in the

ease of other persons not subject to the Indian Succession Act, left to be dealt with under the Probate and Administration Act, 1881. The result of this is that the matters remaining to be provided for under this chapter are in the main the same as those which are provided for by the Hindu Wills Act, 1870, as amended by the Act just mentioned; and, as a matter of fact, the specification of the sections of the Indian Succession Act made applicable to the wills of Khojás by this chapter is based on the specification contained in the Hindu Wills Act as cut down by the Probate and Administration Act, 1881. There are, however, some important differences between the two which call for explanation here.

36. The most important of these differences is connected with the limitation on the powers of testamentary disposition. The specification of the sections of the Indian Succession Act applicable to Hindus, &c., contained in the Hindu Wills Act comprises several sections which either confer, or assume the existence of, a power of disposition in favour of unborn persons, but the Act contains a proviso to the effect that nothing therein contained shall authorize any Hindu, &c., to create in property any interest which he could not previously have created, and the Calcutta High Court have held in the recent case of *Alangamonjori Dabee* v. *Sonamoni Dabee* (I. L. R. 8 Cal. 637) that the effect of that proviso is to cut down the power of disposition, which the sections in question confer or assume to exist, to the limits imposed on a testator by the Hindu law, that is to say, as held in the well-known *Tagore* case, to a mere power of disposition in favour of persons who are either in fact or in contemplation of law in existence at the death of the testator.

37. It will be seen, on reference to the report of *Alangamonjori Dabee's* case, that, though there was no difference of opinion in the Appellate Court which finally heard it, much difficulty arose from the form in which the Hindu Wills Act had been drafted, and that the learned Judge in the Court below had been led by this to take the opposite view. This being so, it was obvious that the drafting of the Hindu Wills Act could not be followed in this particular. Moreover, it was seen that to adopt this form of drafting would in a considerable number of cases expose the testamentary dispositions of Khojás to be called in question for reasons drawn or supposed to be drawn from the extremely vague and unsettled customary law now prevailing among them, and thus the object of the present measure, which is intended to supply a definite body of law, would be to a great extent defeated. It was accordingly resolved to enact directly either that a Khojá's power of testamentary disposition should be co-extensive with that allowed by the Indian Succession Act, or should be limited somewhat in accordance with the ruling in the *Tagore* case.

38. It was clear that the question as to which of these courses should be adopted stood on grounds altogether independent of those on which the perpetuity question among Hindus had been discussed. The considerations with reference to which it should, in the opinion of the Government of India, be decided will be best seen from the remarks made on referring it to the local authorities for opinion. It was observed that the point was one in regard to which there was no recognized definite rule among the Khojás, and that if, having regard to the family system of that sect and its requirements in this particular, it was considered that it would be desirable to confer upon Khojás a power of disposition as large as that conferred by the Succession Act, the Governor General in Council would be prepared to confer that power; that the circumstance that, in the absence of any other rule, the Courts presume the Hindu law to be applicable to Khojás, and so might possibly, if the question then arose, hold a Khojá testator limited by the rule in the *Tagore* case, ought not, in the opinion of the Governor General in Council, to be permitted to stand in the way of such legislation. "The Government of India," it was said, "has ever been reluctant to alter, by legislation, personal laws like those of the Hindus and Muhammadans, which are definitely ascertainable and are established on a religious or *quasi*-religious basis; but a rule of Hindu law, which is applied not as such, but merely by virtue of the presumption above referred to, in the absence of any other ascertainable rule, to persons who are by religion not Hindus but Mussulmans, stands in its application to such persons on a totally different footing; and, if it appears expedient to set it aside as regards them, there need be no hesitation about doing so. The rule of the *Tagore* case, assuming that it would at this moment be applied by the Courts to Khojás, is as applied to them no more sacred or immutable than any of the other rules of Hindu law which at this moment may be applicable to Khojás, but which will be modified by the Bill if it becomes law. No difficulty will, therefore, be raised here on this score."

If, on the other hand, it was observed, it should appear that the rule prohibiting dispositions in favour of unborn persons had, as a matter of fact, been recognised and observed among the Khojás, or if, there being no recognized rule or established practice either way, it should be considered that the powers of disposition allowed by the Succession Act were larger than were needed for the requirements of Khojás, it would probably be desirable to limit the power of disposition in some such way as it is limited by the Hindu law as interpreted in the *Tagore* case. The system of intestate succession established by the Bill was in certain respects a complicated one; and if to this were to be added a power of making complicated dispositions by will, it was to be feared that we should bring about, in regard to the property of this wealthy and important sect, a state of things which it was desirable if possible to avoid.

39. The reply of the local authorities was to the effect that, as far as appeared, there was no recognized definite rule among the Khojás bearing on the point; that it was unlikely that

any attempt had hitherto been made among them to create by will an interest in favour of an unborn person; that there was thus a *tabula rasa;* and that it was quite open to the legislature to legislate on the subject as it thought best without any fear of violating an existing custom or of running counter to any prejudice or desire of the Khojá community.

This being so, the Government of India have come to the conclusion that it is undesirable to confer on Khojás any power of testamentary disposition in favour of persons not in existence at the time of the testator's death; and accordingly all portions of the Indian Succession Act which confer, or assume the existence of, such a power have, as far as practicable, been omitted, a proviso at the same time being inserted to the effect that a bequest by a Khojá in favour of any person who has not come into existence at the death of the testator shall be void.

40. The remaining differences between this Bill and the Hindu Wills Act as regards the provisions of the Indian Succession Act applied by them are of less importance.

It may, however, be stated that the following additional provisions of the Succession Act have been made applicable, namely:—

(*a*) section 47, giving a father power to appoint a guardian by will—a power the existence of which was assumed by the Commission;

(*b*) sections 52 and 53, relating to privileged wills;

(*c*) section 84, which provides that, when property is bequeathed to a person and words are added which describe a class of persons but do not denote them as direct objects of a distinct and independent gift, such person is entitled to the whole of the interest of the testator therein unless a contrary intention appears by the will;

(*d*) section 104, which limits directions for accumulation.

It should be added that section 187 of the Indian Succession Act, which provides that no right as executor or legatee can be established until a grant of probate or letters of administration is obtained, has been omitted for reasons similar to those which led to its being ultimately omitted from the Probate and Administration Act, 1881; and that sections 134 and 135, determining whether property bequeathed to two or more persons in succession should when its value is liable to decrease be retained in its original form, have been omitted, as it seems safer in this country to lay down no hard-and-fast rules on the subject.

41. The only other point calling for notice in connection with this chapter is that section 43, following the proviso to section 10 of the Transfer of Property Act, confers a power of bequeathing property to or for the benefit of a woman, so that she shall not have power to transfer or charge the same or her beneficial interest therein. The existence of such a power appears to have been assumed in the Bill prepared by the Commission.

43. Chapter VII, relating to maintenance and marriage and funeral expenses, calls for little notice. There was some obscurity about the corresponding provisions of the Bill prepared by the Commission, and this chapter has now been settled in accordance with what is understood from the local authorities to have been the original intention. It is believed that the only change of a substantive nature made here is in section 46, where provision has been made for the maintenance, &c., of a daughter while she remains unmarried. The chapter, however, will probably be found open to further amendment when it has been more fully considered.

43. Section 47, which provides for the recovery of sums due under this chapter, has been drawn with a view to precluding, as far as possible, the difficulties which have arisen under the Hindu law in regard to claims for maintenance, and in particular as to how far a person having a right to maintenance is entitled to follow the property of the deceased. As regards this last point, it has been thought best to place the claim for maintenance, &c., on the footing of a debt, postponing it, however, to debts proper. This will not absolutely remove all difficulty, but, by bringing the case within an existing class, it will avoid the creation of a new difficulty.

The 1st July, 1884.

C. P. ILBERT.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Report of the Select Committee on the Bill to amend and provide for the extension of the Northern India Taḳḳáví Act, 1879, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th July, 1884:—

WE, the undersigned Members of the Select Committee to which the Bill to amend and provide for the extension of the Northern India Taḳḳáví Act, 1879, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Secretary to Chief Commissioner, Coorg, No. 1661-I. 204, dated 5th February, 1884 [Printed Paper No. 1].
From Secretary to Government, Bombay, No. 1429, dated 14th February, 1884, and enclosures [Printed Papers No. 2].
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From Officiating Assistant Secretary to Chief Commissioner, Central Provinces, No. 811-29, dated 19th February, 1884, and enclosure [Printed Papers No. 4].
From Secretary to Government, Bombay, No. 1699, dated 23rd February, 1884, and enclosure [Printed Papers No. 5].
From Secretary to Government, Bombay, No. 1670, dated 23rd February, 1884, and enclosures [Printed Papers No 6].
From Secretary to Chief Commissioner, British Burma, No. 441-42A., dated 21st February, 1884 [Printed Paper No. 7].
From Secretary to Government, North-Western Provinces and Oudh, No. 413, dated 29th February, 1884 [Printed Paper No. 8].
From Chief Secretary to Government, Madras, No. 630, dated 8th March, 1884, and enclosures [Printed Papers No. 9].
From Officiating Junior Secretary to Government, Panjáb, No. 110, dated 25th March, 1884, and enclosures [Printed Papers No. 10].
From Chief Commissioner, Ajmer-Merwára, No. 231, dated 2nd April, 1884, and enclosures [Printed Papers No. 11].
From Secretary for Birár to Resident, Haidarábád, No. 110G., dated 4th April, 1884, and enclosures [Printed Papers No. 12].
From Officiating Secretary to Chief Commissioner, Assam, No. 443, dated 19th April, 1884 [Printed Paper No. 13].
From Chief Secretary to Government, Madras, No. 1010, dated 24th April, 1884, and enclosure [Printed Papers No. 14].
From Officiating Secretary to Government, Bengal, No. 282T.R., dated 6th May, 1884, and enclosures [Printed Papers No. 15].

2. We have at the instance of the Government of Bombay made the Bill applicable by its own force to that Presidency, and repealed sections 4 and 5 of Act XV of 1880, the similar law at present in force there.

3. We have considered the objections taken by the British Indian Association to sections 5 and 6, but they appear to us to be based on a misapprehension as to the effect of those sections. The Association fear that a landlord's interest may be in some way affected by a sale for arrears of advances due by his tenant, but there is nothing in the Bill to warrant anything of the kind.

Section 6 relates merely to contribution between those taking the loan, and section 5, which provides for the recovery of arrears, does not enact that they shall be recoverable as if they were arrears of land-revenue due in respect of any particular land, but merely as if they were arrears of land-revenue due by the defaulter, and accordingly no charge is created over land even when the loan has been taken by its owner.

4. We have also considered the suggestion of the Government of the Panjáb that the lambardárs of a village should be empowered to engage for a loan on behalf of the whole proprietory body, but we do not think that it would be safe to confer any such power. As regards the inconvenience which it is suggested may arise "when it might be desirable to make a loan to a village-community as such" from requiring "the signature of each member of the community," we would observe that loans of the description contemplated by the Bill would, as a rule, be made not to village-communities as such but to individuals, and that when, with a view to having better security for the recovery of the money, it is proposed that a large number of persons should join and make themselves jointly and severally responsible for the aggregate of the loans to all, it would be comparatively immaterial whether a few more or a few less so joined.

We have, however, in order to facilitate the working of section 6, inserted words to make it clear that the signature required by that section may be affixed by an agent duly authorized.

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

In English.

Gazette.	*Date.*
Gazette of India	19th and 26th January, and 2nd February, 1884.
Calcutta Gazette	23rd and 30th January, and 6th February, 1884.
North-Western Provinces and Oudh Government Gazette	26th January, and 2nd and 9th February, 1884.
Bombay Government Gazette	31st January, 1884.
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Fort St. George Gazette	12th February, 1884.
Central Provinces Gazette	26th January, and 2nd and 9th February, 1884.
British Burma Gazette	2nd, 9th and 16th February, 1884.
Assam Gazette	9th, 16th and 23rd February, 1884.

In the Vernaculars.

Province.	*Language.*	*Date.*
North-Western Provinces and Oudh	Urdu ...	2nd, 9th and 16th February, 1884.
Panjáb	Urdu ...	18th and 25th February, and 3rd March, 1884.
Bombay	Maráthí, Guzaráthí, Kanarese	7th February, 1884.
	Sindhí ...	21st February, 1884.

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

S. C. BAYLEY.
C. P. ILBERT.
J. W. QUINTON.
D. G. BARKLEY.

The 9th July, 1884.

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 2, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Report of the Select Committee on the Bill to amend and provide for the extension of the Northern India Takkáví Act, 1879, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th July, 1884 :—

WE, the undersigned Members of the Select Committee to which the Bill to amend and provide for the extension of the Northern India Takkáví Act, 1879, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Secretary to Chief Commissioner, Coorg, No. 1661-I. 204, dated 5th February, 1884 [Printed Paper No. 1].
From Secretary to Government, Bombay, No. 1429, dated 14th February, 1884, and enclosures [Printed Papers No. 2].
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From Officiating Junior Secretary to Government, Panjáb, No. 110, dated 25th March, 1884, and enclosures [Printed Papers No. 10].
From Chief Commissioner, Ajmer-Merwára, No. 231, dated 2nd April, 1884, and enclosures [Printed Papers No. 11].
From Secretary for Birár to Resident, Haidarábád, No. 110G., dated 4th April, 1884, and enclosures [Printed Papers No. 12].
From Officiating Secretary to Chief Commissioner, Assam, No. 443, dated 19th April, 1884 [Printed Paper No. 13].
From Chief Secretary to Government, Madras, No. 1010, dated 24th April, 1884, and enclosure [Printed Papers No. 14].
From Officiating Secretary to Government, Bengal, No. 282T.R., dated 6th May, 1884, and enclosures [Printed Papers No. 15].

2. We have at the instance of the Government of Bombay made the Bill applicable by its own force to that Presidency, and repealed sections 4 and 5 of Act XV of 1880, the similar law at present in force there.

3. We have considered the objections taken by the British Indian Association to sections 5 and 6, but they appear to us to be based on a misapprehension as to the effect of those sections. The Association fear that a landlord's interest may be in some way affected by a sale for arrears of advances due by his tenant, but there is nothing in the Bill to warrant anything of the kind.

Section 6 relates merely to contribution between those taking the loan, and section 5, which provides for the recovery of arrears, does not enact that they shall be recoverable as if they were arrears of land-revenue due in respect of any particular land, but merely as if they were arrears of land-revenue due by the defaulter, and accordingly no charge is created over land even when the loan has been taken by its owner.

4. We have also considered the suggestion of the Government of the Panjáb that the lambardárs of a village should be empowered to engage for a loan on behalf of the whole proprietory body, but we do not think that it would be safe to confer any such power,

As regards the inconvenience which it is suggested may arise "when it might be desirable to make a loan to a village-community as such" from requiring "the signature of each member of the community," we would observe that loans of the description contemplated by the Bill would, as a rule, be made not to village-communities as such but to individuals, and that when, with a view to having better security for the recovery of the money, it is proposed that a large number of persons should join and make themselves jointly and severally responsible for the aggregate of the loans to all, it would be comparatively immaterial whether a few more or a few less so joined.

We have, however, in order to facilitate the working of section 6, inserted words to make it clear that the signature required by that section may be affixed by an agent duly authorized.

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

In English.

Gazette.	*Date.*
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	Sindhí	... 21st February, 1884.

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

S. C. BAYLEY.
C. P. ILBERT.
J. W. QUINTON.
D. G. BARKLEY.

The 9th July, 1884.

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 9, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Report of the Select Committee on the Bill to amend and provide for the extension of the Northern India Takkáví Act, 1879, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th July, 1884 :—

WE, the undersigned Members of the Select Committee to which the Bill to amend and provide for the extension of the Northern India Takkáví Act, 1879, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Secretary to Chief Commissioner, Coorg, No. 1661-I. 204, dated 5th February, 1884 [Printed Paper No. 1].
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2. We have at the instance of the Government of Bombay made the Bill applicable by its own force to that Presidency, and repealed sections 4 and 5 of Act XV of 1880, the similar law at present in force there.

3. We have considered the objections taken by the British Indian Association to sections 5 and 6, but they appear to us to be based on a misapprehension as to the effect of those sections. The Association fear that a landlord's interest may be in some way affected by a sale for arrears of advances due by his tenant, but there is nothing in the Bill to warrant anything of the kind.

Section 6 relates merely to contribution between those taking the loan, and section 5, which provides for the recovery of arrears, does not enact that they shall be recoverable as if they were arrears of land-revenue due in respect of any particular land, but merely as if they were arrears of land-revenue due by the defaulter, and accordingly no charge is created over land even when the loan has been taken by its owner.

4. We have also considered the suggestion of the Government of the Panjáb that the lambardárs of a village should be empowered to engage for a loan on behalf of the whole proprietory body, but we do not think that it would be safe to confer any such power.

As regards the inconvenience which it is suggested may arise "when it might be desirable to make a loan to a village-community as such" from requiring "the signature of each member of the community," we would observe that loans of the description contemplated by the Bill would, as a rule, be made not to village-communities as such but to individuals, and that when, with a view to having better security for the recovery of the money, it is proposed that a large number of persons should join and make themselves jointly and severally responsible for the aggregate of the loans to all, it would be comparatively immaterial whether a few more or a few less so joined.

We have, however, in order to facilitate the working of section 6, inserted words to make it clear that the signature required by that section may be affixed by an agent duly authorized.

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

In English.

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Bombay	Maráthí, Guzaráthí, Kanarese	7th February, 1884.
	Sindhí ...	21st February, 1884.

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

S. C. BAYLEY.
C. P. ILBERT.
J. W. QUINTON.
D. G. BARKLEY.

The 9th July, 1884.

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 23, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th August, 1884, and was referred to a Select Committee:—

No. 9 OF 1884.

A Bill to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions assigned to the Governor General in Council.

WHEREAS certain functions which are by enactments in force in the North-Western Provinces assigned to the Governor General in Council are in practice discharged by the Lieutenant-Governor of those Provinces, and it is expedient that these functions should continue to be so discharged, and that their discharge in the past should be legalized;

It is hereby enacted as follows:—

Transfer to Lieutenant-Governor of certain functions of Governor General in Council.

The sections of the enactments hereto scheduled which are specified in the third column of the schedule shall have effect, and, so far as may be necessary to validate anything heretofore done under them by the Lieutenant-Governor of the North-Western Provinces, shall be deemed to have had effect, as if the Lieutenant-Governor of the North-Western Provinces were therein referred to instead of the Governor General in Council.

THE SCHEDULE.

(a) Regulations of the Bengal Code.

Number and year.	Subject.	Section.
V of 1799	To limit the interference of the Zilá and City Courts of Díwání Adálat in the execution of wills and administration to the estates of persons dying intestate.	7
II of 1800	For laying open to public use the stone-quarries at Chunar, Gházipur and Mirzapur, in the Province of Benares, subject to a fixed duty.	10 & 14
IX of 1833.	To modify certain portions of Regulation VII of 1882 and Regulation IV of 1828; to provide for the more speedy and satisfactory decision of judicial questions cognizable by officers of Revenue employed in making settlements under the above Regulations; for enforcing the production of the village accounts; for the more extensive employment of native agency in the Revenue Department; and to declare the intent of section 5, Regulation VII of 1822, touching claims to málikána.	16, 17 & 25

(b) Act of the Governor General in Council.

Number and year.	Subject.	Section.
XII of 1856.	To amend the law respecting the employment of amíns of the Civil Courts in the Presidency of Fort William.	2

STATEMENT OF OBJECTS AND REASONS.

UNDER certain enactments in force in the North-Western Provinces certain functions are assigned to the Governor General in Council, which in practice are now discharged by the Lieutenant-Governor of those provinces. Thus, by sections 10 and 14 of Bengal Regulation XXXIII of 1800 (*for laying open to public use the stone-quarries at Chunar, Gházipur and Mirzapur, in the Province of Benares, subject to a fixed duty*), the Governor General in Council is empowered to sanction the allowances and establishment of the dároghas of the stone-quarries referred to, to fix the rate of duty payable in respect of stone excavated from those quarries, and to make further rules respecting the quarries. As these quarries have now become Provincial both financially and administratively, they have long been under the control of the Local Government, which has been in the habit of exercising the powers above noticed, though they are by law assigned to the Governor General in Council.

2. As the discharge by the Lieutenant-Governor of the North-Western Provinces of these and similar functions assigned by other enactments to the Governor General in Council, though in accordance with existing administrative arrangements, would seem to be of doubtful legality, the present Bill has been prepared with the object of empowering the Lieutenant-Governor to continue to discharge these functions in the future and legalizing their discharge by him in the past.

C. P. ILBERT.

The 4th August, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th August, 1884, and was referred to a Select Committee :—

No. 10 OF 1884.

A Bill to amend the Transfer of Property Act, 1882.

WHEREAS it is expedient to amend the Transfer of Property Act, 1882; It is hereby enacted as follows :— IV of 1882.

1. For the fifth clause of section 1 of the said Act the following shall be substituted, namely :— Amendment of section 1 of Act IV of 1882.

"And any Local Government may, with the previous sanction of the Governor General in Council, from time to time, by notification in the local official Gazette,—

"(*a*) exempt, either retrospectively or prospectively, any part of the territories administered by such Local Government from all or any of the following provisions, namely :—

"Sections fifty-four, paragraphs two and three, fifty-nine, one-hundred and seven and one hundred and twenty-three; or

"(*b*) direct, either retrospectively or prospectively, that section forty-one shall not apply throughout any part of those territories to any property in which a member of any race, sect, tribe or class specified in the notification is interested."

2. The following clause shall be deemed to have been added to the first section of the said Act from the date on which it came into force, namely :— Addition to same section.

"Notwithstanding anything in the foregoing part of this section, sections fifty-four, paragraphs two and three, fifty-nine, one hundred and seven and one hundred and twenty-three shall not extend or be extended to any district or tract of country excluded from the operation of the Indian Registration Act, 1877, under the power conferred by the first section of that Act or otherwise." III of 1877.

3. To section 4 of the said Act the following shall be added, namely :— Addition to section 4 of same Act.

"And sections fifty-four, paragraphs two and three, fifty-nine, one hundred and seven and one hundred and twenty-three shall be read as supplemental to the Indian Registration Act, 1877." III of 1877.

4. In section 69 of the said Act— Amendment of section 69 of same Act.

(*a*) after the words "is valid in the following cases" the words "and in no others" shall be inserted; and

(*b*) after the words "Hindu, Muhammadan or Buddhist," in both places where they occur, there shall be inserted the words "or a member of any other race, sect, tribe or class from time to time specified by the Local Government, with the previous sanction of the Governor General in Council, in the local official Gazette in this behalf."

STATEMENT OF OBJECTS AND REASONS.

THE last clause of section 1 of the Transfer of Property Act, 1882, provides that any Local Government may, with the previous sanction of the Governor General in Council, exempt, either retrospectively or prospectively, throughout the whole or any part of the territories administered by such Local Government, the members of any race, sect, tribe or class from all or any of the following provisions, namely, sections 41, 54 (paragraphs 2 and 3), 59, 69, 107 and 123.

54. * * Such transfer, in the case of tangible immoveable property of the value of one hundred rupees and upwards, or in the case of a reversion or other intangible thing, can be made only by a registered instrument.

In the case of tangible immoveable property of a value less than one hundred rupees, such transfer may be made either by a registered instrument or by delivery of the property.

59. Where the principal money secured is one hundred rupees or upwards, a mortgage can be effected only by a registered instrument signed by the mortgagor and attested by at least two witnesses.

Where the principal money secured is less than one hundred rupees, a mortgage may be effected either by an instrument signed and attested as aforesaid, or (except in the case of a simple mortgage) by delivery of the property.

Nothing in this section shall be deemed to render invalid mortgages made in the towns of Calcutta, Madras, Bombay, Karáchí and Rangoon, by delivery to a creditor or his agent of documents of title to immoveable property, with intent to create a security thereon.

107. A lease of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by a registered instrument.

All other leases of immoveable property may be made either by an instrument or by oral agreement.

123. For the purpose of making a gift of immoveable property, the transfer must be effected by a registered instrument signed by or on behalf of the donor, and attested by at least two witnesses.

For the purpose of making a gift of moveable property, the transfer may be effected either by a registered instrument signed as aforesaid or by delivery.

Such delivery may be made in the same way as goods sold may be delivered.

2. In a letter, dated the 6th September, 1882, the Chief Commissioner of Assam asked for an expression of opinion from the Government of India as to the effect which the exemption under that clause, of "any race, sect, tribe or class" from the provisions of section 54 (paragraphs 2 and 3) and sections 59, 107 and 123, which are set out on the margin, has upon transactions, one of the parties concerned in which is a member of such race, sect, tribe or class, while the other party does not belong to an exempted class.

3. To this reference the Government of India, on the 13th December, 1882, replied that the precise manner in which the exemption would operate under the circumstances described was a matter of some difficulty; and the only satisfactory means by which an intelligible operation might be given to section 1 of the Act seemed to be the amendment of that section so as to make the exemption from sections 54, 59, 107 and 123 local and not personal.

4. The Chief Commissioner, in a letter dated 12th January, 1883, suggested as an alternative, and in his opinion a preferable one, a power to exempt not persons or places but transactions in which one or both of the parties might be members of the race, sect, tribe or class for which the sections in question might be deemed unsuitable.

5. It was thought desirable to obtain the opinions of the other Local Governments on the two alternative proposals thus put forward, and accordingly, on the 7th May, 1883, a circular was issued for this purpose.

6. It will be observed that the question thus raised was confined to the power conferred by section 1 of the Act to exempt from the operation of sections 54, 59, 107 and 123; but, attention having been once drawn to the subject, it was natural that the effect of an exemption from the other two sections of the Act (41 and 69) mentioned in section 1 and set out in the margin should also be considered; and, on looking into the matter, it was found that, while an exemption under either of those sections would give rise to questions very similar to those raised by the Chief Commissioner of Assam in the case of the sections referred to by him, there was this further difficulty in regard to section 69 that the object of allowing any power to exempt from it was not apparent. The circular accordingly asked for the opinions of the Local Governments in regard to these sections also.

41. Where, with the consent, express or implied, of the persons interested in immoveable property, a person is the ostensible owner of such property and transfers the same for consideration, the transfer shall not be voidable on the ground that the transferor was not authorized to make it: provided that the transferee, after taking reasonable care to ascertain that the transferor had power to make the transfer, has acted in good faith.

69. A power conferred by the mortgage-deed on the mortgagee, or on any person on his behalf, to sell or concur in selling, in default of payment of the mortgage-money, the mortgaged property, or any part thereof, without the intervention of the Court, is valid in the following cases (namely)—

(*a*) where the mortgage is an English mortgage, and neither the mortgagor nor the mortgagee is a Hindú, Muhammadan or Buddhist;

(*b*) where the mortgagee is the Secretary of State for India in Council;

(*c*) where the mortgaged property or any part thereof is situate within the towns of Calcutta, Madras, Bombay, Karáchí or Rangoon.

But no such power shall be exercised unless and until—

(1) notice in writing requiring payment of the principal money has been served on the mortgagor or one of several mortgagors, and default has been made in payment of the principal money, or of part thereof, for three months after such service; or

(2) some interest under the mortgage amounting at least to five hundred rupees is in arrear and unpaid for three months after becoming due.

When a sale has been made in professed exercise of such a power, the title of the purchaser shall not be impeachable on the ground that no case had arisen to authorise the sale, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised; but any person damnified by an unauthorised, or improper or irregular exercise of the power shall have his remedy in damages against the person exercising the power.

The money which is received by the mortgagee, arising from the sale, after discharge of prior incumbrances, if any, to which the sale is not made subject, or after payment into court under section fifty-seven of a sum to meet any prior incumbrance, shall, in the absence of a contract to the contrary, be held by him in trust to be applied by him, first, in payment of all costs, charges and expenses properly incurred by him as incident to the sale or any attempted sale; and, secondly, in discharge of the mortgage-money and costs and other money, if any, due under the mortgage; and the residue of the money so received shall be paid to the person entitled to the mortgaged property or authorized to give receipts for the proceeds of the sale thereof.

Nothing in the former part of this section applies to powers conferred before this Act comes into force.

The powers and provisions contained in sections six to nineteen (both inclusive) of the Trustees and Mortgagees' Powers Act, 1866, shall be deemed to apply to English mortgages, wherever in British India the mortgaged property may be situate, when neither the mortgagor nor the mortgagee is a Hindú, Muhammadan or Buddhist.

7. The replies of the Local Governments have now been received and considered by the Government of India, and the following are the conclusions to which they seem to point.

8. In the first place, as regards the power of exempting from the operation of sections 54, 59, 107 and 123, it seems to the Governor General in Council best to make it simply a power of exempting locally, that is to say, the exemption should be absolute and cover transactions relating to any immoveable property within the specified area, whether both or one or none of the parties may belong to those races or tribes for whose benefit the exemption is intended. To give a personal character to the exemption and restrict it, as some suggest, to transactions within the area, to which either both parties or one of the parties are of particular races, would give rise to uncertainty of title and other difficulties and doubts noticed by Sir C. Turner and others. With a local exemption clause of an absolute character an intending purchaser has to look to nothing but the situation of the property.

9. It is true that there may be advanced people living in exempted localities for whom the sections in question would provide a law more suitable than that which prevails where they do not apply, but it must be remembered that these people always could, and Europeans, it is believed, generally would, follow the practice of having formally executed and registered documents, and this would to a great extent give them the benefits aimed at by the Act; for it must be borne in mind that in the places in question titles would not usually be complicated, and in any case the sections of the Act referred to are not an essential part of the law, but merely an improvement of it, which is not in force as yet in great provinces like Bombay, the Panjáb and British Burma. Again, on the other hand, it is true that there may be members of wild tribes settled in some non-exempted localities, and that they may find it difficult to learn to act up to the law; but, as has been observed by some of the authorities consulted, wild people scattered in this way among a population the great mass of which is civilized soon get into the ways of the people among whom they live.

In either case the objection is one that must apply to most of our enacted laws, and indeed to a good deal of the customary law of the country. We cannot get a law that will suit everybody; we must be content with a reasonably close approximation.

10. The first section of the Bill accordingly amends section 1 of the Act so as to empower a Local Government, with the previous sanction of the Governor General in Council, to exempt any part of the territories under its administration from the operation of any of these sections.

11. Next, as regards the powers to exclude the operation of section 41, the considerations to be borne in mind are fully stated by the Chief Justice of Madras in his opinion.

Sir C. Turner observes that the general rule that no one can confer a higher right in property than he himself possesses in some cases worked obvious hardship; and, as the science of jurisprudence advanced, it was limited by the exception declared in section 41, on the principle that, where one of two innocent persons must suffer from the fraud of a third party, the loss should fall on him who has created or could have prevented the opportunity for the fraud. To races which have not made a substantial progress in civilization, this rule appears to Sir Charles Turner to be unsuited for the following reasons, as stated in his own words:—

"Regarding the question in its sentimental aspect, it is certain that a member of a race unacquainted with the refinements of equity would fail to recognize the justice of a rule which caused him to be deprived of his property by what is *ex hypothesi* a fraud.

"I do not contend that legislation is to be governed by sentimental considerations, but I have heretofore asserted, and still hold, that legislation should only be so far in advance of the general understanding that its justice should be recognized by the more enlightened.

"There is, however, a substantial reason to be deduced from the rule itself, which shows its inapplicability to uncivilized races. The rule affords protection only to a purchaser for consideration who acts in good faith after reasonable inquiry.

"The imposition of these conditions on the purchaser suggests to persons, who have occasion to create an ostensible ownership of their property in others, the prudence of providing certain safeguards. If they are well advised, they are careful to secure evidence of the actual ownership, so that a purchaser, on making due inquiry, must either ascertain the true character of the transaction, or entertain such suspicion of its character that he can no longer assert that he acted in good faith.

"The transactions of uncivilized races in the matter of property are of the simplest character; they are unacquainted with the precautions which technical skill has devised to secure property.

"Again, as society progresses, men are habituated to exercise greater caution in their dealings with their fellows, and have larger opportunities for selecting agents who are reputed either to be worthy of confidence or to be in a position to answer for a breach of confidence. A prudent man selects for an office of trust a person of tried probity and some substance. The uncivilized races have less choice in the selection of agents and less opportunity for forming a judgment of the character and position of their agents."

12. The conclusion to which these remarks seem to point is that the Government should be empowered to direct that section 41 should not apply throughout any particular local

area to any property in which a member of any particular race, sect, tribe or class is interested, and it is on these lines that sub-clause (*b*) of the new fifth clause which the Bill proposes to insert in the first section of the Act has been framed.

13. The discussion regarding section 69 has opened out questions extending beyond the particular difficulty first brought to notice, and it is fortunate that the Government have had in considering them the assistance of Sir C. Turner, who was a member of the Commission by which the Transfer of Property Bill was settled.

The circumstances under which the section was enacted will be found stated in the following extract from his Minute :

"In England, it is usual to confer on a mortgagee, in case of default, a power to sell the mortgaged property without the intervention of a Court of justice ; and, where the instrument of mortgage does not confer the power, but does not in express terms negative it, a mortgagee is empowered by statute to sell on the expiry of twelve months after the date of default and of six months from the date on which notice is given of his intention to exercise the power—23 & 24 Vic., c. 145. This statutory provision was, by Act XXVIII of 1866, extended to mortgages in this country to which the English law is applicable.

"On the other hand, the simple mortgage in India did not authorize a sale without the order of a Court, and by Regulation XVII of 1806 in the Bengal Presidency it had been enacted that a mortgage by conditional sale should not become foreclosed without the service of a notice through the District Court, and on the expiry of a year of grace. Inferring the policy of the legislature from this Regulation, the Sadr Díwání Adálat refused to give effect to an express power of sale—S. D. A., 1847-354. In the Bombay Presidency, Mr. Justice Melville expressed a doubt whether a private sale of property in the Mufassal, effected by a mortgagee under a power, would be valid—VIII Bombay H. C., A. C., 143.

"On the other hand, I entertained the opinion, and I believe acted on it before the Transfer of Property Act came into operation, that, in the absence of a prohibition of law, the owner of property was competent to confer on a mortgagee what powers he himself possessed, and that, if a mortgagor having, as owner, authority to sell, created a power of sale in a mortgagee, and the mortgagee duly exercised the power, the Courts were bound to recognize the validity of the sale.

"*In Bhanoomutty Chowdiam* vs. *Premchund Nesgee*, XV B. L. R. 28, property in the Mufassal had been mortgaged by an instrument in the English form containing a power of sale, and subsequently mortgaged to a third party by a conditional sale. The first mortgagee then exercised his power of sale, and subsequently to the sale the second mortgagee took proceedings to foreclose. It was held that the purchaser under the power was entitled to notice of foreclosure, and impliedly that a sale under a power might be valid."

"In this state of the authorities," Sir Charles Turner continues, "it fell to the Law Commission to offer for the acceptance of the legislature a proposal to settle the law. It was felt that, in accordance with the principles of freedom of contract, an owner of property should be at liberty to confer on a mortgagee any of the powers which he could himself exercise, and that a borrower might more readily obtain accommodation, or obtain it on easier terms, if he could offer a security which would be speedily converted by the tender without the delay and the cost of an application to a Court of justice. On the other hand, it was recognized that in this country the large majority of mortgage-securities are created by persons who are poor and illiterate in favour of more sharpwitted creditors, and that, in an agricultural country, landed securities are subject to sudden and excessive variations in value, which are rarely foreseen by borrowers. The Commission came to the conclusion that, while more wealthy borrowers in the country and all borrowers in the presidency-towns might be left to deal with their property as they pleased, it was necessary in the present state of British India to create a legislative safeguard for the poorer classes in the country. They, therefore, proposed that the creation of a power of sale should be declared invalid except in mortgages where the principal money secured exceeded Rs. 500, or in mortgages to the Secretary of State or in mortgages of property in the presidency-towns. In Committee, the section was recast. Instead of declaring that a power of sale conferred by the instrument of mortgage is invalid except in the cases specified, the section, as it now stands, declares that in certain cases it is valid."

Sir Charles Turner adds—

"Unless it be held that the express declaration of the validity of such a power in certain cases is tantamount to a declaration of its invalidity in other cases, which I incline to doubt, the object sought by the Law Commission has not been attained, and the validity of the power in cases other than those specified is still left an open question.

"It may have been desirable that the protection the Law Commission intended to confer in the case of mortgages for small amounts should have been extended to mortgages for somewhat larger sums, but I think it is to be regretted that the amendment should have been effected in such terms as to leave the question doubtful whether any protection is given to mortgages of any class or amount, and I trust advantage may be taken of the opportunity to

re-consider the provisions of the section. It will be seen that the section, as it now stands, affects only—

"(1) parties to an English mortgage, *i.e.*, a mortgage in the English form, who are not Hindús, Muhammadans or Buddhists (an inexact enumeration of the creeds held by natives of India) ;

"(2) parties to a mortgage to the Secretary of State ;

"(3) parties to mortgages of property in the presidency-towns.

"As the section now stands, I do not see any reason for including it in the class of sections for which certain races may be exempted ; I apprehend it was included before it was recast."

14. Section 4 of the Bill accordingly amends section 69 of the Act so as to express clearly what was actually intended, and no power to exempt from the main provisions of the section has been retained ; but, as Mr Justice Muthuswami Aiyar has pointed out that there are other classes whom it is even more necessary to exclude from the operation of the exceptional provision in clause (*a*) than Hindús, Muhammadans and Buddhists, words have been added to that clause to provide a power of excluding them.

15. Section 2 of the Bill is intended merely to remove a formal defect in the Act which has been brought to notice in the course of the recent discussions. It was of course never intended that the provisions of the Act which assume the existence of a registration system should take effect in those tracts which are excluded from the operation of the Registration Act ; but the Act omitted to make any express provision to that effect, and that omission is now supplied.

16. The addition which it is proposed to make to section 4 of the Act by section 3 of the Bill has for its object merely to remove a difficulty which has been felt in some quarters as to the bearing which the provisions of the Act relating to registration and the Registration Act have on one another.

The 9th August, 1884.

C. P. ILBERT.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th August, 1884, and was referred to a Select Committee :—

No. 11 OF 1884.

A Bill to facilitate the construction of Telegraphs, and to amend the Indian Telegraph Act, 1876.

WHEREAS it is expedient to give power to place and maintain telegraph lines and posts under, over, along, across, in or upon immoveable property;

And whereas it is also expedient to amend the Indian Telegraph Act, 1876; I of 1876.

It is hereby enacted as follows:—

Preliminary.

1. *(1)* This Act may be called the Indian Telegraph Act, 1884. Short title, local extent and commencement.

(2) It extends to the whole of British India; and

(3) It shall come into force at once:

Provided that nothing in this Act shall affect any right acquired by the Government or a licensee under section 4 of the Indian Telegraph Act, 1876, or any contract entered into before the passing of this Act. I of 1876.

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

[cf. 26 & 27 Vic., c. 112, s. 3.] I of 1876. *(1)* "Telegraph line" means a wire or wires used for the purpose of a telegraph as defined in the Indian Telegraph Act, 1876, with any casing, coating, tube or pipe enclosing the same, and any apparatus connected therewith for that purpose.

[cf. 26 & 27 Vic., c. 112, s. 3.] *(2)* "Post" means a post, pole, standard, stay, strut or other above-ground contrivance for carrying, suspending or supporting a telegraph line.

[cf. 26 & 27 Vic., c. 112, s. 3.] *(3)* "Telegraph authority" means—

(a) the Director General of Telegraphs or any officer appointed by him in this behalf; and

(b) in respect of any particular matter, any person holding a license from the Governor General in Council under section 4 of the Indian Telegraph Act, 1876, and empowered, by such authority as the Governor General in Council may, from time to time, appoint in this behalf, to discharge the functions of a telegraph authority in respect of that matter. I of 1876.

(4) "Local authority" means any municipal committee, local board, body of port commissioners or other body created for the public benefit and legally entitled to any immoveable property or the control thereof.

Power to place Telegraph Lines and Posts.

3. A telegraph authority may, from time to time, place and maintain a telegraph line under, over, along or across, and posts in or upon, any immoveable property, and repair, alter or remove the same: Power for telegraph authority to place and maintain, alter and remove a telegraph line and post.

Provided that—

(*a*) a telegraph authority shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which it places any telegraph line or post; [cf. 26 & 27 Vic., c. 112, s. 6.]

(*b*) in the exercise of the powers conferred by this section, a telegraph authority shall do as little damage as possible; [cf. 26 & 27 Vic., c. 112, s. 7].

(*c*) a telegraph authority shall not exercise those powers in respect of any property vested in or under the control of any local authority except with the consent of the local authority;

(*d*) a telegraph authority shall not exercise those powers in respect of any other property unless it has paid or tendered full compensation to all persons interested for all damage which will be sustained by them by reason or in consequence of the exercise of those powers.

Provisions applicable to Property of Local Authorities.

4. Any consent given by a local authority under section 3 may be given subject to such reasonable conditions as to the payment of any expenses to which it is estimated the local authority will be put in consequence of the exercise of the powers, or as to the time or mode of execution of any work, or as to any other thing Power to local authority to consent under section 3 subject to condition. [cf. 26 & 27 Vic., c. 112, s. 5 (3).]

connected with or relative to any work, as the local authority giving consent thinks fit to prescribe.

Removal or alteration of telegraph line or post on property of local authority.

5. *(1)* When, under the foregoing provisions of this Act, a telegraph line or post has been placed by a telegraph authority under, over, along, across, in, or upon any property vested in or under the control of a local authority, and the local authority, having regard to circumstances which have arisen since the telegraph line or post was so placed, considers it expedient that it should be removed or altered, the local authority may call upon the telegraph authority to remove or alter it, and, if the telegraph authority refuses or omits to do so, may apply to the Local Government to order its removal or alteration.

(2) A Local Government receiving an application under this section may in its discretion reject the same, or make an order for the removal or alteration of the telegraph line or post, absolutely or subject to such conditions as it thinks fit; and the decision of the Local Government shall be final and conclusive.

Power to alter position of gas or water pipes.

6. A telegraph authority may, for the purpose of exercising the powers conferred upon it by this Act in respect of any property vested in or under the control of a local authority, alter the position thereunder of any pipe (not being a main) for the supply of gas or water:

Provided that—

(*a*) when a telegraph authority desires to alter the position of any such pipe, it shall give reasonable notice of its intention to do so, specifying the time at which it will begin to do so, to the local authority, and, when the pipe is not under the control of the local authority, to the person under whose control the pipe is;

(*b*) a local authority or person receiving notice under clause (*a*) may send a person to superintend the work, and the telegraph authority shall execute the work to the reasonable satisfaction of the person so sent.

Disputes between telegraph authorities and local authorities.

7. If any dispute arises between a telegraph authority and a local authority in consequence of the local authority refusing its consent under section 3 or prescribing any condition under section 4, or otherwise in respect of the exercise of the powers conferred by this Act, it shall be determined by the Local Government, and the decision of the Local Government thereon shall be final and conclusive.

Telegraph line and posts placed before the passing of this Act.

8. A telegraph line or post placed by a telegraph authority before the passing of this Act under, over, along, across, in or upon any property vested in or under the control of a local authority shall be deemed to have been placed in exercise of the powers conferred by this Act.

Provisions applicable to other Property.

Disputes as to compensation under section 3.

9. If any dispute arises concerning the sufficiency of the amount of the compensation paid or tendered under section 3, clause (*d*), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him, and his determination thereof shall be final and conclusive.

Removal or alteration of telegraph line or post on property not belonging to a local authority.

10. *(1)* When, under the foregoing provisions of this Act, a telegraph line or post has been placed by a telegraph authority under, over, along, across, in or upon any property, not being property vested in or under the control of a local authority, and any person entitled to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telegraph line or post should be removed to another part thereof or to a higher or lower level or altered in form, he may tender to the telegraph authority the amount requisite to defray the expense of the removal or alteration and call upon the telegraph authority to remove or alter the line or post accordingly, and, if the telegraph authority refuses or omits to do so, may apply to the District Judge within whose jurisdiction the property is situate to order the removal or alteration.

(2) A District Judge receiving an application under this section may, in his discretion, reject the same or make an order absolutely or subject to conditions for the removal of the telegraph line or post to any other part of the property or to a higher or lower level or for the alteration of its form, and the order so made shall be final and conclusive.

Amendments of the Indian Telegraph Act, 1876.

Amendment of the definition of "telegraph" in Act I of 1876.

11. To the definition of "telegraph" in section 3 of the Indian Telegraph Act, 1876, the following shall be added, namely:— I of 1876.

"and includes any apparatus for transmitting or making telegraphic, telephonic or other communications by means of electricity."

Amendment of section 8, clause (*a*), of same Act.

12. To clause *(a)* of section 8 of the same Act the following shall be added, namely:—

"or of any telegraph established by Government and leased to any person."

Addition to section 8 of same Act.

13. To the same section the following words shall be added, namely:—

"When prescribing rules under clause (*a*) of this section, the Governor General in Council may by the rules impose fines for any breach of the same:

"Provided that the fines so imposed shall not exceed the following limits, namely:—

"*(1)* when the licensee or lessee is punishable for the breach, one thousand rupees, and in the case of a continuing breach a further fine of two hundred rupees for every day after the first during the whole or any part of which the breach continues;

"*(2)* when a servant of the licensee or lessee or any other person is punishable for the breach, one-fourth of those amounts."

STATEMENT OF OBJECTS AND REASONS.

THE main object of this Bill is to give power to the Government, and to any company or person licensed under section 4 of the Indian Telegraph Act, 1876, and specially empowered in this behalf, to place telegraph lines under or over property belonging whether to private persons or to public bodies.

2. The attention of the Government has recently been directed to the fact that, as the law now stands, the Governor General in Council and his licensees have no power to place telegraph lines upon the land of municipal or other similar bodies or of private persons. In England the requisite powers are conferred on the Postmaster General, who works and maintains the telegraphs in that country, by 26 & 27 Vic., cap. 112, as amended by 41 & 42 Vic., cap. 76; and as it seems desirable that the Government in which the exclusive privilege of establishing telegraphs in this country is vested should possess somewhat similar powers, the present Bill has been prepared.

3. Section 3 empowers the Government or any company or person licensed under section 4 of the Indian Telegraph Act, 1876, and specially authorized by a Government officer to place and maintain telegraph lines and posts under, over, along, across, in or upon the property of any "person", which term includes a body corporate. It is considered that licensees should have these powers, because the licenses granted always strictly limit the area of the operations of the licensees, and it would be somewhat anomalous for local bodies and private persons to have the power to neutralize the licenses granted by the Governor General in Council by objecting to the licensees' operations, or by hampering them by the exaction of fees for permission to work under their licenses. The powers thus given are, however, to be exercised so as to do as little damage as possible, and their exercise is moreover made subject to important restrictions and conditions.

4. When the property belongs to a municipal board or other local authority, the powers conferred by the Act cannot be exercised over it without the consent of that authority; and that consent may be given subject to conditions. Among other conditions which can be imposed is one requiring that any expenses to which the local authority may be put by the exercise of the power shall be made good; but it will be observed that no provision is made for the payment of compensation on any other account to a local authority whose property is made use of for this purpose, it being considered that, as the construction of telegraphs is a matter in which the public are interested, no charge should be made for accommodation of this sort when it can be granted without inconvenience to the public or expense to the local authority concerned.

5. It may sometimes happen that, though at the time when a telegraph authority desires to exercise its powers over some property of a local authority there may be no reasonable ground for objecting, and the local authority may thus find itself compelled to consent, a state of things may subsequently arise under which the continued exercise of the powers would be felt as a grave public inconvenience or a cause of serious loss. Land, *e.g.*, which was waste at the time the telegraph line was constructed over it might afterwards be required for some important public object or might acquire great value for building purposes, and, as no compensation (except for actual expenses out of pocket) would have been paid to the local authority at the time the line was constructed, it is but just that provision should be made for the removal or alteration of the line in such an event. This accordingly is done by section 5 of the Bill, which empowers the local authority to call upon the telegraph authority to remove or alter its telegraph or post, and, in the event of the telegraph authority refusing or neglecting to do so, gives an appeal to the Local Government.

6. In the event, which it is believed will be rare, of a local authority arbitrarily refusing its consent to the exercise by a telegraph authority of the powers conferred by the Bill or clogging its consent with unreasonable conditions, it will (section 7) be open to the telegraph authority to appeal to the Local Government, whose decision will be final.

7. Turning now to the case in which it may be desired to exercise the powers given by the Bill over the property of private persons, it will be seen that here provision is made for the payment of full compensation, the amount of which in the event of dispute will (section 9) be determined by the Civil Court, and that, in the event of a person upon whose property a telegraph line or post has been placed desiring subsequently to deal with the property in such a way as would make it necessary or convenient that the line or post should be removed to another part of it or to a higher or lower level or altered in form, he can (section 10) tender the cost of the work and call upon the telegraph authority to remove or alter the line or post, and, if that authority refuses to do so, can appeal to the Civil Court.

8. It may be observed, however, that in practice in this country the power of taking telegraph lines through private property is not likely to be exercised either by the Government or by its licensees except on rare occasions, and then as a rule only to the extent of crossing with the wire, a post being scarcely ever erected on private land. Private property has hitherto been always avoided as much as possible, and it is likely to be still more carefully avoided in future if it is made clear, as it is proposed to do by this Bill, that full compensation will have to be paid for exercising the power over private and not for exercising it over public property.

9. The present opportunity has been taken to make three amendments of the Indian Telegraph Act, 1876, which experience has shown to be desirable. The first has for its object the emendation of the definition of "telegraph" so as to bring it into more exact conformity with the construction put upon the definitions in the English Acts by a recent decision of the High Court of Justice in England.

10. The second is intended to provide for the regulation of telegraph lines constructed by the Government but leased to companies or individuals by whom they are worked. The position of such lines under the Act as it at present stands is far from clear, and the object of the amendment proposed in section 12 of the Bill is to put them on much the same footing as licensed lines.

11. The object of the third amendment, which is made by section 13 of the Bill, is to prescribe penalties for the breach of the rules made under section 8 of the Act for the conduct of telegraphs worked under license or lease. In such cases, as the Act now stands, the only remedy is to revoke the license or lease, but this course would in most cases cause such great public inconvenience that it is impracticable. The result is that at present there is virtually no penalty for the infringement of the rules made under section 8 of the Act. To remedy this state of things, the Bill adds a clause to that section empowering the Governor General in Council to prescribe by the rules moderate fines for the breach of them.

The 12th August, 1884.

T. C. HOPE.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Report of the Select Committee on the Bill to make better provision for the organization and administration of Municipalities in the Panjáb was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August, 1884:—

WE, the undersigned Members of the Select Committee to which the Bill to make better provision for the organization and administration of Municipalities in the Panjáb was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Government, Panjáb, No. 211, dated 10th April, 1884, and enclosures [Papers No. 1].
From E. vs. Cullin, Esq., dated 27th April, 1884, and enclosure [Papers No. 2].
From Officiating Secretary to Government, Panjáb, No. 68S., dated 16th May, 1884, and enclosures [Papers No. 3].
From Officiating Secretary to Government, Panjáb, No. 74S., dated 16th May, 1884, and enclosure [Papers No. 4].
From Officiating Secretary to Government, Panjáb, No. 79S., dated 21st May, 1884, and enclosure [Papers No. 5].
From Officiating Secretary to Government, Panjáb, No. 88S., dated 27th May, 1884, and enclosures [Papers No. 6].
From Officiating Secretary to Government, Panjáb, No. 94S., dated 29th May, 1884, and enclosures [Papers No. 7].
From Officiating Secretary to Government, Panjáb, No. 121S., dated 9th June, 1884, and enclosures [Papers No. 8].
Extract from the *Tribune* of 14th June, 1884 [Papers No. 9].

2. Instead of repealing the Panjáb Municipal Act, 1873, and bringing the new law into force at once, as was proposed in the Bill as introduced, we have thought it better (section 4 of the amended Bill) to require the Local Government to apply the new law to any place to which that Act had been extended, unless the Local Government comes to the conclusion, and declares by notification in the official Gazette, that the provisions of the Act are not suited to any such place. The Local Government is at the same time empowered to continue in office the members of the present committees as if they had been elected or appointed under the new law for any term not exceeding three years which it may fix. When the new law is thus made applicable to any place to which the Act of 1873 had been extended, that Act will cease to apply, and other consequences will follow, which are set forth in section 12. In the Supplemental chapter, the Local Government is further empowered to withdraw the area of any municipality from the operation either of Act IV of 1873 or of the new law, if the latter has been made applicable. The Local Government will thus be enabled to abolish any municipality constituted under Act IV of 1873, if it appears undesirable to continue municipal institutions in the area under its control.

3. The provisions as to the term of office of members, the removal of members and the filling up of casual vacancies in the committee have been assimilated, as nearly as possible, to the corresponding provisions in the District Boards Act.

4. On the recommendation of the Local Government, we have by section 14 empowered the Commissioner of a division to approve of the election of a president by a second class committee, and to appoint the president of a committee of this class where the committee is not empowered to elect, or fails or does not desire to exercise the power.

5. The provision in section 25 enabling the president or, in his absence, a vice-president to exercise the powers of the committee in cases of emergency has been limited to the power, at the cost of the municipality, to direct the execution of any work or the doing of any act which he considers necessary for the service or safety of the public; and, when he exercises this power, he is required to report his proceedings to the next following meeting of the committee. Where the case is sufficiently provided for by the rules of business under section 24, as to the exercise of the executive authority of the committee, the extraordinary powers given by section 25 of course will not arise, as there would not then be a case of emergency.

6. In section 27 we have provided that nothing done under the Act should be questioned on account of the existence of a vacancy in a committee or joint committee or of any merely formal defect.

7. We have not retained the provision of the Bill as introduced requiring the sanction of the Commissioner of the division to the removal of a paid secretary, and his sanction to the appointment is confined (section 28) to the appointment of a paid secretary and to

the rate of pay to be allowed, and does not extend to approval of the person selected. The responsibility for appointing a proper person will thus rest exclusively with the committee. In cases, however, in which Government officers were employed in the service of a municipality before the passing of this Bill into law, section 12 provides for their remaining in the service of the new committee, and prohibits their dismissal unless under the sanction of the Local Government.

8. The employment of other officers and servants (when there is available budget provision) is made subject only (section 29) to what is necessary and proper for the efficient execution of the duties of the committee, and to any rules which the Local Government may make as to the employment of persons appointed to offices requiring professional skill; but power is given to the Commissioner of the division, subject to an appeal by the committee to the Local Government (section 30), to require the reduction of excessively large or expensive establishments or of unduly high rates of pay.

9. We have raised the limit of the power of first class committees (section 33) to delegate the authority to enter into contracts on their behalf to 500 rupees, and have required all contracts for larger amounts on behalf of any committee to be sanctioned at a meeting of the committee before they can be entered into. It has been suggested that separate provision is required for contracts which do not fix the quantity of work to be done, but only the rate to be paid per unit of work; but we are of opinion that these contracts can be brought within this section by fixing a maximum limit, not exceeding five hundred rupees, on the sum which may become payable under them.

10. In section 34 the limit of value above which contracts are required to be in writing has been increased from Rs. 20 to Rs. 100 in the case of first class committees, and Rs. 50 in the case of second class committees.

11. The prohibition in section 35 of members, officers or servants of the committee being interested in contracts with the committee, unless with the Commissioner's permission, has been assimilated to section 62 of the District Boards Act.

12. Section 36, which takes the place of section 99 of the Bill as introduced, has been modified so as to require notice to be given of all suits against committees, or against their officers for their official acts; the sub-sections as to limitation and as to tender of amends being omitted as unnecessary. The protection thus given corresponds with that given to Government and to public officers by section 424 of the Civil Procedure Code, except that the notice required is shorter.

13. In the Taxation chapter the taxes which committees are empowered to propose for the general purposes of the Act are brought together in section 39, a higher rate of tax on buildings and lands being allowed in certain scheduled municipalities, all of which are hill-stations, than that which is fixed as the maximum elsewhere.

14. In the second sub-section of section 39 we have defined the expression "annual value" as meaning the gross annual rent for which buildings or lands might reasonably be expected to let, and we have omitted the first proviso, as, though it has been the practice in hill-stations to let houses furnished, the furniture supplied is ordinarily of small value; and as most of us are of opinion that the rent to be considered in estimating the annual value is the sum for which they would let if unfurnished, we have added words making this clear.

15. Special powers are also given to impose a scavenging-tax and a water-tax as payment for services rendered to the occupiers of any buildings or land or for the construction and maintenance of works for the supply of water from which such occupiers may benefit. No special power has been thought necessary to enable committees to charge fees for the use of schools or other public institutions maintained by them, as they may impose any conditions they may think proper upon persons who wish to avail themselves of the benefit of such institutions.

16. We have modified the procedure for imposing and assessing taxes (section 42) by providing that new taxes leviable by the year should not come into force except at the commencement of the year, and other new taxes until at least six months have elapsed from the date of the meeting at which, after the requisite sanction has been obtained, their imposition is directed.

17. We have enabled the Local Government (section 45), where any tax appears unfair in its incidence or injurious to the interests of the public, to require the committee to take the necessary measures to remove the objection and, if it fails to comply with the requisition, to suspend the levy of the tax.

18. We have (section 49) given an appeal against assessments, on account of octroi, as in the case of other taxes, and we have also enabled officers hearing appeals against assessments, if they entertain reasonable doubt on any question as to the liability to, or principle of, the assessment, to state a case for the decision of the Chief Court.

19. We have (section 52) saved taxes leviable under the Municipal Act now in force so far as they are consistent with, and within the powers conferred by, the new law.

20. We have in section 59 conferred upon the committee a power to remit a tax on buildings on certain equitable grounds.

21. We have made taxes on buildings and lands, other than the scavenging-tax and the water-tax, payable by the owner and also a charge upon the property, and have therefore found it unnecessary to make them recoverable from the occupier if not paid by the owner after notice.

22. We have added a section (62) giving power to inspect the contents of a conveyance or package to ascertain whether octroi is payable by having it brought before a Magistrate for the purpose, if the person bringing or receiving it within the municipality refuses to allow the necessary inspection, and have in other respects amended the provisions of the Bill as introduced on the subject of the recovery of octroi.

23. The provisions of the Bill on the subject of the municipal fund and of municipal property have been brought together in a new chapter (Chapter IV). In this chapter we have provided (section 68) for prior charges on the municipal fund for loans, establishment-charges and payments for maintenance of pauper-lunatics, audit of accounts, and services rendered to the committee by Provincial Departments of Government, and have empowered the Local Government to make rules with respect to the relative priority to be given to the other duties of the committee. We have also (section 71) declared certain descriptions of property held for municipal purposes to vest in the committee, and have (section 72) introduced a clause, based on a somewhat similar provision of the Bombay Municipal Act, providing that the administration of every public institution maintained out of municipal funds shall vest in the committee, but that the extent of the independent authority of the committee may be prescribed by the Local Government.

24. The sections relating to municipal police have also been collected in a separate chapter (Chapter V). We have added a section (78) defining the powers and duties of the police in respect of offences against the Act or rules made thereunder. By this section they are empowered to arrest persons committing such offences when necessary, and are required to give immediate information of the commission of such offences to the committee, and to assist members or officers of the committee in the exercise of their lawful authority.

25. Another new chapter (Chapter VI) sets forth the powers of the committee to do, or to require others to do, or to abstain from doing, particular acts. This and the following chapter, which deals with offences affecting the public health, safety or convenience, take the place of the powers to make rules for the prevention of nuisances, and for entry on private property for the detection and abatement of nuisances, given by section 67 of the Bill as introduced, and of the powers to issue injunctions and make conditional orders as to nuisances given by sections 68 to 70, and this chapter also embodies the additional powers to make rules and other powers expressly given by the Bill as introduced.

26. In framing these sections, the existing bye-laws of the principal municipalities, and the detailed Municipal Acts in force in other provinces of British India, have been referred to, and we have endeavoured to give all the powers not elsewhere given in the Bill which it appears to be necessary or proper that Panjáb municipalities should possess. While there may be municipalities in which some of these powers are not required, these municipalities can be excepted by the Local Government under one of the provisions contained in the Supplemental chapter from the sections giving the powers which the circumstances of the municipality render unnecessary.

27. Instead of enabling committees to make rules regulating for sanitary reasons the crops which may be grown within municipal limits, we have, by section 116, empowered the Local Government to prohibit by notification the cultivation of any crop, the use of any manure or the irrigation of land in any manner, which is reported by the Sanitary Commissioner to be injurious to health, or to impose such conditions thereupon as may remove the risk of injury, and have provided for compensation where the practice prohibited was of long standing.

28. In section 117, which relates to the regulation of offensive or dangerous trades, and corresponds with section 74 of the Bill as introduced, we have omitted manufactories of gunpowder or fireworks, which can now be regulated by rules made by the Local Government under the Explosives Act, IV of 1884, and shops for smoking opium, as these must be licensed under the Opium Act, and the Local Government may, if it thinks proper, instruct Deputy Commissioners to consult municipalities before granting a license under that Act.

29. In section 119 we have extended the power given by the Bill as introduced to make rules for the inspection and proper regulation of lodging-houses to houses occupied by members of more than one family, and have stated in greater detail the subjects with which such rules may deal. This power, with that given in section 115, to prohibit the use for human habitation of houses unfit to be so used, will enable committees to exercise more effective control than hitherto over the arrangements for the accommodation of human beings where this appears necessary for the preservation of the public health, and will, it is believed, be of special importance, not only in hill-stations, but in places the population of which is liable to be largely increased at particular seasons by the resort of pilgrims or the holding of large fairs.

30. Chapter VII provides for the punishment of certain offences affecting the public health, safety and convenience and of disobedience to orders given by the committee under the powers conferred by the preceding chapter.

31. In Chapter VIII, which deals with control, the changes made have been in the direction of assimilation with the provisions of the Panjáb District Boards Act. We have also revised the list of subjects on which the Local Government is empowered to make rules.

32. In the Supplemental chapter (Chapter IX) we have added provisions that copies of rules should be kept by committees available for inspection and for sale to the public (section 160); that rules or bye-laws made under the Panjáb Municipal Act, 1873, should, so far as consistent with, and within the powers conferred by, this Bill, continue in force until repealed by new rules, which the proper authority is required to make and take the necessary steps for bringing into force so soon as may be (section 161); and we have included provisions for altering the boundaries of municipalities or the class to which they belong (sections 165 to 169), for excepting them from the operation of such parts of the Bill as are not suited to their circumstances (section 170), and for withdrawing them from the operation of the law relating to municipalities (section 171).

33. A special section applicable only to Simla (section 177) has also been added to save the land-tax which has been substituted for the ground-rent formerly charged by Government, and which is levied concurrently with a tax on the annual value of property.

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

In English.

Gazette.			*Date.*
Gazette of India	...	...	2nd, 9th and 16th June, 1883.
Panjáb Government Gazette	...	...	7th, 14th and 21st June, 1883.

In the Vernaculars.

Province.	*Language.*	*Date.*
Panjáb	... Urdu	... 2nd, 9th and 16th July, 1883.

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

D. G. BARKLEY.
J. GIBBS.
C. P. ILBERT.
T. C. HOPE.

I HAVE not signed this Report, as, though originally appointed a Member of the Select Committee, I was unable to be present at any of the meetings.

J. W. QUINTON.

The 5th August, 1884.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 30, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th August, 1884, and was referred to a Select Committee:—

No. 9 OF 1884.

A Bill to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions assigned to the Governor General in Council.

WHEREAS certain functions which are by enactments in force in the North-Western Provinces assigned to the Governor General in Council are in practice discharged by the Lieutenant-Governor of those Provinces, and it is expedient that these functions should continue to be so discharged, and that their discharge in the past should be legalized;

It is hereby enacted as follows:—

Transfer to Lieutenant-Governor of certain functions of Governor General in Council.

The sections of the enactments hereto scheduled which are specified in the third column of the schedule shall have effect, and, so far as may be necessary to validate anything heretofore done under them by the Lieutenant-Governor of the North-Western Provinces, shall be deemed to have had effect, as if the Lieutenant-Governor of the North-Western Provinces were therein referred to instead of the Governor General in Council.

THE SCHEDULE.

(a) Regulations of the Bengal Code.

Number and year.	Subject.	Section.
V of 1799	To limit the interference of the Zilá and City Courts of Díwání Adálat in the execution of wills and administration to the estates of persons dying intestate.	7
II of 1800	For laying open to public use the stone-quarries at Chunar, Gházipur and Mirzapur, in the Province of Benares, subject to a fixed duty.	10 & 14
IX of 1833.	To modify certain portions of Regulation VII of 1882 and Regulation IV of 1828; to provide for the more speedy and satisfactory decision of judicial questions cognizable by officers of Revenue employed in making settlements under the above Regulations; for enforcing the production of the village accounts; for the more extensive employment of native agency in the Revenue Department; and to declare the intent of section 5, Regulation VII of 1822, touching claims to málikána.	16, 17 & 25

(b) Act of the Governor General in Council.

Number and year.	Subject.	Section.
XII of 1856.	To amend the law respecting the employment of amíns of the Civil Courts in the Presidency of Fort William.	2

STATEMENT OF OBJECTS AND REASONS.

UNDER certain enactments in force in the North-Western Provinces certain functions are assigned to the Governor General in Council, which in practice are now discharged by the Lieutenant-Governor of those provinces. Thus, by sections 10 and 11 of Bengal Regulation XXXIII of 1800 (*for laying open to public use the stone-quarries at Chunar, Gházipur and Mirzapur, in the Province of Benares, subject to a fixed duty*), the Governor General in Council is empowered to sanction the allowances and establishment of the dároghas of the stone-quarries referred to, to fix the rate of duty payable in respect of stone excavated from those quarries, and to make further rules respecting the quarries. As these quarries have now become Provincial both financially and administratively, they have long been under the control of the Local Government, which has been in the habit of exercising the powers above noticed, though they are by law assigned to the Governor General in Council.

2. As the discharge by the Lieutenant-Governor of the North-Western Provinces of these and similar functions assigned by other enactments to the Governor General in Council, though in accordance with existing administrative arrangements, would seem to be of doubtful legality, the present Bill has been prepared with the object of empowering the Lieutenant-Governor to continue to discharge these functions in the future and legalizing their discharge by him in the past.

C. P. ILBERT.

The 4th August, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th August, 1884, and was referred to a Select Committee :—

No. 10 OF 1884.

A Bill to amend the Transfer of Property Act, 1882.

WHEREAS it is expedient to amend the Transfer of Property Act, 1882; It is hereby enacted as follows :— IV of 1882.

1. For the fifth clause of section 1 of the said Act the following shall be substituted, namely :— Amendment of section 1 of Act IV of 1882.

"And any Local Government may, with the previous sanction of the Governor General in Council, from time to time, by notification in the local official Gazette,—

"(*a*) exempt, either retrospectively or prospectively, any part of the territories administered by such Local Government from all or any of the following provisions, namely :—

"Sections fifty-four, paragraphs two and three, fifty-nine, one-hundred and seven and one hundred and twenty-three; or

"(*b*) direct, either retrospectively or prospectively, that section forty-one shall not apply throughout any part of those territories to any property in which a member of any race, sect, tribe or class specified in the notification is interested."

2. The following clause shall be deemed to have been added to the first section of the said Act from the date on which it came into force, namely :— Addition to same section.

"Notwithstanding anything in the foregoing part of this section, sections fifty-four, paragraphs two and three, fifty-nine, one hundred and seven and one hundred and twenty-three shall not extend or be extended to any district or tract of country excluded from the operation of the Indian Registration Act, 1877, under the power conferred by the first section of that Act or otherwise." III of 1877.

3. To section 4 of the said Act the following shall be added, namely :— Addition to section 4 of same Act.

"And sections fifty-four, paragraphs two and three, fifty-nine, one hundred and seven and one hundred and twenty-three shall be read as supplemental to the Indian Registration Act, 1877." III of 1877.

4. In section 69 of the said Act— Amendment of section 69 of same Act.

(*a*) after the words "is valid in the following cases" the words "and in no others" shall be inserted; and

(*b*) after the words "Hindu, Muhammadan or Buddhist," in both places where they occur, there shall be inserted the words "or a member of any other race, sect, tribe or class from time to time specified by the Local Government, with the previous sanction of the Governor General in Council, in the local official Gazette in this behalf."

STATEMENT OF OBJECTS AND REASONS.

THE last clause of section 1 of the Transfer of Property Act, 1882, provides that any Local Government may, with the previous sanction of the Governor General in Council, exempt, either retrospectively or prospectively, throughout the whole or any part of the territories administered by such Local Government, the members of any race, sect, tribe or class from all or any of the following provisions, namely, sections 41, 54 (paragraphs 2 and 3), 59, 69, 107 and 123.

54. * * Such transfer, in the case of tangible immoveable property of the value of one hundred rupees and upwards, or in the case of a reversion or other intangible thing, can be made only by a registered instrument.

In the case of tangible immoveable property of a value less than one hundred rupees, such transfer may be made either by a registered instrument or by delivery of the property.

59. Where the principal money secured is one hundred rupees or upwards, a mortgage can be effected only by a registered instrument signed by the mortgagor and attested by at least two witnesses.

Where the principal money secured is less than one hundred rupees, a mortgage may be effected either by an instrument signed and attested as aforesaid, or (except in the case of a simple mortgage) by delivery of the property.

Nothing in this section shall be deemed to render invalid mortgages made in the towns of Calcutta, Madras, Bombay, Karáchí and Rangoon, by delivery to a creditor or his agent of documents of title to immoveable property, with intent to create a security thereon.

107. A lease of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by a registered instrument.

All other leases of immoveable property may be made either by an instrument or by oral agreement.

123. For the purpose of making a gift of immoveable property, the transfer must be effected by a registered instrument signed by or on behalf of the donor, and attested by at least two witnesses.

For the purpose of making a gift of moveable property, the transfer may be effected either by a registered instrument signed as aforesaid or by delivery.

Such delivery may be made in the same way as goods sold may be delivered.

2. In a letter, dated the 6th September, 1882, the Chief Commissioner of Assam asked for an expression of opinion from the Government of India as to the effect which the exemption under that clause, of "any race, sect, tribe or class" from the provisions of section 54 (paragraphs 2 and 3) and sections 59, 107 and 123, which are set out on the margin, has upon transactions, one of the parties concerned in which is a member of such race, sect, tribe or class, while the other party does not belong to an exempted class.

3. To this reference the Government of India, on the 13th December, 1882, replied that the precise manner in which the exemption would operate under the circumstances described was a matter of some difficulty; and the only satisfactory means by which an intelligible operation might be given to section 1 of the Act seemed to be the amendment of that section so as to make the exemption from sections 54, 59, 107 and 123 local and not personal.

4. The Chief Commissioner, in a letter dated 12th January, 1883, suggested as an alternative, and in his opinion a preferable one, a power to exempt not persons or places but transactions in which one or both of the parties might be members of the race, sect, tribe or class for which the sections in question might be deemed unsuitable.

5. It was thought desirable to obtain the opinions of the other Local Governments on the two alternative proposals thus put forward, and accordingly, on the 7th May, 1883, a circular was issued for this purpose.

6. It will be observed that the question thus raised was confined to the power conferred by section 1 of the Act to exempt from the operation of sections 54, 59, 107 and 123; but, attention having been once drawn to the subject, it was natural that the effect of an exemption from the other two sections of the Act (41 and 69) mentioned in section 1 and set out in the margin should also be considered; and, on looking into the matter, it was found that, while an exemption under either of those sections would give rise to questions very similar to those raised by the Chief Commissioner of Assam in the case of the sections referred to by him, there was this further difficulty in regard to section 69 that the object of allowing any power to exempt from it was not apparent. The circular accordingly asked for the opinions of the Local Governments in regard to these sections also.

41. Where, with the consent, express or implied, of the persons interested in immoveable property, a person is the ostensible owner of such property and transfers the same for consideration, the transfer shall not be voidable on the ground that the transferor was not authorized to make it: provided that the transferee, after taking reasonable care to ascertain that the transferor had power to make the transfer, has acted in good faith.

69. A power conferred by the mortgage-deed on the mortgagee, or on any person on his behalf, to sell or concur in selling, in default of payment of the mortgage-money, the mortgaged property, or any part thereof, without the intervention of the Court, is valid in the following cases (namely)—

(*a*) where the mortgage is an English mortgage, and neither the mortgagor nor the mortgagee is a Hindú, Muhammadan or Buddhist;

(*b*) where the mortgagee is the Secretary of State for India in Council;

(*c*) where the mortgaged property or any part thereof is situate within the towns of Calcutta, Madras, Bombay, Karáchí or Rangoon.

But no such power shall be exercised unless and until—

(1) notice in writing requiring payment of the principal money has been served on the mortgagor or one of several mortgagors, and default has been made in payment of the principal money, or of part thereof, for three months after such service; or

(2) some interest under the mortgage amounting at least to five hundred rupees is in arrear and unpaid for three months after becoming due.

When a sale has been made in professed exercise of such a power, the title of the purchaser shall not be impeachable on the ground that no case had arisen to authorise the sale, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised; but any person damnified by an unauthorised, or improper or irregular exercise of the power shall have his remedy in damages against the person exercising the power.

The money which is received by the mortgagee, arising from the sale, after discharge of prior incumbrances, if any, to which the sale is not made subject, or after payment into court under section fifty-seven of a sum to meet any prior incumbrance, shall, in the absence of a contract to the contrary, be held by him in trust to be applied by him, first, in payment of all costs, charges and expenses properly incurred by him as incident to the sale or any attempted sale; and, secondly, in discharge of the mortgage-money and costs and other money, if any, due under the mortgage; and the residue of the money so received shall be paid to the person entitled to the mortgaged property or authorized to give receipts for the proceeds of the sale thereof.

Nothing in the former part of this section applies to powers conferred before this Act comes into force.

The powers and provisions contained in sections six to nineteen (both inclusive) of the Trustees and Mortgagees' Powers Act, 1866, shall be deemed to apply to English mortgages, wherever in British India the mortgaged property may be situate, when neither the mortgagor nor the mortgagee is a Hindú, Muhammadan or Buddhist.

7. The replies of the Local Governments have now been received and considered by the Government of India, and the following are the conclusions to which they seem to point.

8. In the first place, as regards the power of exempting from the operation of sections 54, 59, 107 and 123, it seems to the Governor General in Council best to make it simply a power of exempting locally, that is to say, the exemption should be absolute and cover transactions relating to any immoveable property within the specified area, whether both or one or none of the parties may belong to those races or tribes for whose benefit the exemption is intended. To give a personal character to the exemption and restrict it, as some suggest, to transactions within the area, to which either both parties or one of the parties are of particular races, would give rise to uncertainty of title and other difficulties and doubts noticed by Sir C. Turner and others. With a local exemption clause of an absolute character an intending purchaser has to look to nothing but the situation of the property.

9. It is true that there may be advanced people living in exempted localities for whom the sections in question would provide a law more suitable than that which prevails where they do not apply, but it must be remembered that these people always could, and Europeans, it is believed, generally would, follow the practice of having formally executed and registered documents, and this would to a great extent give them the benefits aimed at by the Act; for it must be borne in mind that in the places in question titles would not usually be complicated, and in any case the sections of the Act referred to are not an essential part of the law, but merely an improvement of it, which is not in force as yet in great provinces like Bombay, the Panjáb and British Burma. Again, on the other hand, it is true that there may be members of wild tribes settled in some non-exempted localities, and that they may find it difficult to learn to act up to the law; but, as has been observed by some of the authorities consulted, wild people scattered in this way among a population the great mass of which is civilized soon get into the ways of the people among whom they live.

In either case the objection is one that must apply to most of our enacted laws, and indeed to a good deal of the customary law of the country. We cannot get a law that will suit everybody; we must be content with a reasonably close approximation.

10. The first section of the Bill accordingly amends section 1 of the Act so as to empower a Local Government, with the previous sanction of the Governor General in Council, to exempt any part of the territories under its administration from the operation of any of these sections.

11. Next, as regards the powers to exclude the operation of section 41, the considerations to be borne in mind are fully stated by the Chief Justice of Madras in his opinion.

Sir C. Turner observes that the general rule that no one can confer a higher right in property than he himself possesses in some cases worked obvious hardship; and, as the science of jurisprudence advanced, it was limited by the exception declared in section 41, on the principle that, where one of two innocent persons must suffer from the fraud of a third party, the loss should fall on him who has created or could have prevented the opportunity for the fraud. To races which have not made a substantial progress in civilization, this rule appears to Sir Charles Turner to be unsuited for the following reasons, as stated in his own words:—

"Regarding the question in its sentimental aspect, it is certain that a member of a race unacquainted with the refinements of equity would fail to recognize the justice of a rule which caused him to be deprived of his property by what is *ex hypothesi* a fraud.

"I do not contend that legislation is to be governed by sentimental considerations, but I have heretofore asserted, and still hold, that legislation should only be so far in advance of the general understanding that its justice should be recognized by the more enlightened.

"There is, however, a substantial reason to be deduced from the rule itself, which shows its inapplicability to uncivilized races. The rule affords protection only to a purchaser for consideration who acts in good faith after reasonable inquiry.

"The imposition of these conditions on the purchaser suggests to persons, who have occasion to create an ostensible ownership of their property in others, the prudence of providing certain safeguards. If they are well advised, they are careful to secure evidence of the actual ownership, so that a purchaser, on making due inquiry, must either ascertain the true character of the transaction, or entertain such suspicion of its character that he can no longer assert that he acted in good faith.

"The transactions of uncivilized races in the matter of property are of the simplest character; they are unacquainted with the precautions which technical skill has devised to secure property.

"Again, as society progresses, men are habituated to exercise greater caution in their dealings with their fellows, and have larger opportunities for selecting agents who are reputed either to be worthy of confidence or to be in a position to answer for a breach of confidence. A prudent man selects for an office of trust a person of tried probity and some substance. The uncivilized races have less choice in the selection of agents and less opportunity for forming a judgment of the character and position of their agents."

12. The conclusion to which these remarks seem to point is that the Government should be empowered to direct that section 41 should not apply throughout any particular local

area to any property in which a member of any particular race, sect, tribe or class is interested, and it is on these lines that sub-clause (*b*) of the new fifth clause which the Bill proposes to insert in the first section of the Act has been framed.

13. The discussion regarding section 69 has opened out questions extending beyond the particular difficulty first brought to notice, and it is fortunate that the Government have had in considering them the assistance of Sir C. Turner, who was a member of the Commission by which the Transfer of Property Bill was settled.

The circumstances under which the section was enacted will be found stated in the following extract from his Minute:

"In England, it is usual to confer on a mortgagee, in case of default, a power to sell the mortgaged property without the intervention of a Court of justice; and, where the instrument of mortgage does not confer the power, but does not in express terms negative it, a mortgagee is empowered by statute to sell on the expiry of twelve months after the date of default and of six months from the date on which notice is given of his intention to exercise the power—23 & 24 Vic., c. 145. This statutory provision was, by Act XXVIII of 1866, extended to mortgages in this country to which the English law is applicable.

"On the other hand, the simple mortgage in India did not authorize a sale without the order of a Court, and by Regulation XVII of 1806 in the Bengal Presidency it had been enacted that a mortgage by conditional sale should not become foreclosed without the service of a notice through the District Court, and on the expiry of a year of grace. Inferring the policy of the legislature from this Regulation, the Sadr Díwání Adálat refused to give effect to an express power of sale—S. D. A., 1847-354. In the Bombay Presidency, Mr. Justice Melville expressed a doubt whether a private sale of property in the Mufassal, effected by a mortgagee under a power, would be valid—VIII Bombay H. C., A. C., 143.

"On the other hand, I entertained the opinion, and I believe acted on it before the Transfer of Property Act came into operation, that, in the absence of a prohibition of law, the owner of property was competent to confer on a mortgagee what powers he himself possessed, and that, if a mortgagor having, as owner, authority to sell, created a power of sale in a mortgagee, and the mortgagee duly exercised the power, the Courts were bound to recognize the validity of the sale.

"*In Bhanoomutty Chawdiam* vs. *Premchund Nesgee*, XV B. L. R. 28, property in the Mufassal had been mortgaged by an instrument in the English form containing a power of sale, and subsequently mortgaged to a third party by a conditional sale. The first mortgagee then exercised his power of sale, and subsequently to the sale the second mortgagee took proceedings to foreclose. It was held that the purchaser under the power was entitled to notice of foreclosure, and impliedly that a sale under a power might be valid."

"In this state of the authorities," Sir Charles Turner continues, "it fell to the Law Commission to offer for the acceptance of the legislature a proposal to settle the law. It was felt that, in accordance with the principles of freedom of contract, an owner of property should be at liberty to confer on a mortgagee any of the powers which he could himself exercise, and that a borrower might more readily obtain accommodation, or obtain it on easier terms, if he could offer a security which would be speedily converted by the tender without the delay and the cost of an application to a Court of justice. On the other hand, it was recognized that in this country the large majority of mortgage-securities are created by persons who are poor and illiterate in favour of more sharpwitted creditors, and that, in an agricultural country, landed securities are subject to sudden and excessive variations in value, which are rarely foreseen by borrowers. The Commission came to the conclusion that, while more wealthy borrowers in the country and all borrowers in the presidency-towns might be left to deal with their property as they pleased, it was necessary in the present state of British India to create a legislative safeguard for the poorer classes in the country. They, therefore, proposed that the creation of a power of sale should be declared invalid except in mortgages where the principal money secured exceeded Rs. 500, or in mortgages to the Secretary of State or in mortgages of property in the presidency-towns. In Committee, the section was recast. Instead of declaring that a power of sale conferred by the instrument of mortgage is invalid except in the cases specified, the section, as it now stands, declares that in certain cases it is valid."

Sir Charles Turner adds—

"Unless it be held that the express declaration of the validity of such a power in certain cases is tantamount to a declaration of its invalidity in other cases, which I incline to doubt, the object sought by the Law Commission has not been attained, and the validity of the power in cases other than those specified is still left an open question.

"It may have been desirable that the protection the Law Commission intended to confer in the case of mortgages for small amounts should have been extended to mortgages for somewhat larger sums, but I think it is to be regretted that the amendment should have been effected in such terms as to leave the question doubtful whether any protection is given to mortgages of any class or amount, and I trust advantage may be taken of the opportunity to

re-consider the provisions of the section. It will be seen that the section, as it now stands, affects only—

"(1) parties to an English mortgage, *i.e.*, a mortgage in the English form, who are not Hindús, Muhammadans or Buddhists (an inexact enumeration of the creeds held by natives of India);

"(2) parties to a mortgage to the Secretary of State;

"(3) parties to mortgages of property in the presidency-towns.

"As the section now stands, I do not see any reason for including it in the class of sections for which certain races may be exempted; I apprehend it was included before it was recast."

14. Section 4 of the Bill accordingly amends section 69 of the Act so as to express clearly what was actually intended, and no power to exempt from the main provisions of the section has been retained; but, as Mr Justice Muthuswami Aiyar has pointed out that there are other classes whom it is even more necessary to exclude from the operation of the exceptional provision in clause (*a*) than Hindús, Muhammadans and Buddhists, words have been added to that clause to provide a power of excluding them.

15. Section 2 of the Bill is intended merely to remove a formal defect in the Act which has been brought to notice in the course of the recent discussions. It was of course never intended that the provisions of the Act which assume the existence of a registration system should take effect in those tracts which are excluded from the operation of the Registration Act; but the Act omitted to make any express provision to that effect, and that omission is now supplied.

16. The addition which it is proposed to make to section 4 of the Act by section 3 of the Bill has for its object merely to remove a difficulty which has been felt in some quarters as to the bearing which the provisions of the Act relating to registration and the Registration Act have on one another.

The 9th August, 1884.

C. P. ILBERT.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th August, 1884, and was referred to a Select Committee :—

No. 11 OF 1884.

A Bill to facilitate the construction of Telegraphs, and to amend the Indian Telegraph Act, 1876.

WHEREAS it is expedient to give power to place and maintain telegraph lines and posts under, over, along, across, in or upon immoveable property;

And whereas it is also expedient to amend the Indian Telegraph Act, 1876; I of 1876.

It is hereby enacted as follows :—

Preliminary.

1. *(1)* This Act may be called the Indian Telegraph Act, 1884. Short title, local extent and commencement.

(2) It extends to the whole of British India; and

(3) It shall come into force at once :

Provided that nothing in this Act shall affect any right acquired by the Government or a licensee under section 4 of the Indian Telegraph Act, 1876, or any contract entered into before the passing of this Act. I of 1876.

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

[cf. 26 & 27 Vic., c. 112, s. 3.] I of 1876. *(1)* "Telegraph line" means a wire or wires used for the purpose of a telegraph as defined in the Indian Telegraph Act, 1876, with any casing, coating, tube or pipe enclosing the same, and any apparatus connected therewith for that purpose.

[cf. 26 & 27 Vic., c. 112, s. 3.] *(2)* "Post" means a post, pole, standard, stay, strut or other above-ground contrivance for carrying, suspending or supporting a telegraph line.

[cf. 26 & 27 Vic., c. 112, s. 3.] *(3)* "Telegraph authority" means—

(a) the Director General of Telegraphs or any officer appointed by him in this behalf; and

(b) in respect of any particular matter, any person holding a license from the Governor General in Council under section 4 of the Indian Telegraph Act, 1876, and empowered, by such authority as the Governor General in Council may, from time to time, appoint in this behalf, to discharge the functions of a telegraph authority in respect of that matter. I of 1876.

(4) "Local authority" means any municipal committee, local board, body of port commissioners or other body created for the public benefit and legally entitled to any immoveable property or the control thereof.

Power to place Telegraph Lines and Posts.

3. A telegraph authority may, from time to time, place and maintain a telegraph line under, over, along or across, and posts in or upon, any immoveable property, and repair, alter or remove the same : Power for telegraph authority to place and maintain, alter and remove a telegraph line and post.

Provided that—

(a) a telegraph authority shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which it places any telegraph line or post; [cf. 26 & 27 Vic., c. 112, s. 6.]

(b) in the exercise of the powers conferred by this section, a telegraph authority shall do as little damage as possible; [cf. 26 & 27 Vic., c. 112, s. 7].

(c) a telegraph authority shall not exercise those powers in respect of any property vested in or under the control of any local authority except with the consent of the local authority;

(d) a telegraph authority shall not exercise those powers in respect of any other property unless it has paid or tendered full compensation to all persons interested for all damage which will be sustained by them by reason or in consequence of the exercise of those powers.

Provisions applicable to Property of Local Authorities.

4. Any consent given by a local authority under section 3 may be given subject to such reasonable conditions as to the payment of any expenses to which it is estimated the local authority will be put in consequence of the exercise of the powers, or as to the time or mode of execution of any work, or as to any other thing. Power to local authority to consent under section 3 subject to condition. [cf. 26 & 27 Vic., c. 112, s. 5 (3).]

connected with or relative to any work, as the local authority giving consent thinks fit to prescribe.

Removal or alteration of telegraph line or post on property of local authority.

5. *(1)* When, under the foregoing provisions of this Act, a telegraph line or post has been placed by a telegraph authority under, over, along, across, in, or upon any property vested in or under the control of a local authority, and the local authority, having regard to circumstances which have arisen since the telegraph line or post was so placed, considers it expedient that it should be removed or altered, the local authority may call upon the telegraph authority to remove or alter it, and, if the telegraph authority refuses or omits to do so, may apply to the Local Government to order its removal or alteration.

(2) A Local Government receiving an application under this section may in its discretion reject the same, or make an order for the removal or alteration of the telegraph line or post, absolutely or subject to such conditions as it thinks fit; and the decision of the Local Government shall be final and conclusive.

Power to alter position of gas or water pipes.

6. A telegraph authority may, for the purpose of exercising the powers conferred upon it by this Act in respect of any property vested in or under the control of a local authority, alter the position thereunder of any pipe (not being a main) for the supply of gas or water:

Provided that—

(*a*) when a telegraph authority desires to alter the position of any such pipe, it shall give reasonable notice of its intention to do so, specifying the time at which it will begin to do so, to the local authority, and, when the pipe is not under the control of the local authority, to the person under whose control the pipe is;

(*b*) a local authority or person receiving notice under clause (*a*) may send a person to superintend the work, and the telegraph authority shall execute the work to the reasonable satisfaction of the person so sent.

Disputes between telegraph authorities and local authorities.

7. If any dispute arises between a telegraph authority and a local authority in consequence of the local authority refusing its consent under section 3 or prescribing any condition under section 4, or otherwise in respect of the exercise of the powers conferred by this Act, it shall be determined by the Local Government, and the decision of the Local Government thereon shall be final and conclusive.

Telegraph line and posts placed before the passing of this Act.

8. A telegraph line or post placed by a telegraph authority before the passing of this Act under, over, along, across, in or upon any property vested in or under the control of a local authority shall be deemed to have been placed in exercise of the powers conferred by this Act.

Provisions applicable to other Property.

Disputes as to compensation under section 3.

9. If any dispute arises concerning the sufficiency of the amount of the compensation paid or tendered under section 3, clause (*d*), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him, and his determination thereof shall be final and conclusive.

Removal or alteration of telegraph line or post on property not belonging to a local authority.

10. *(1)* When, under the foregoing provisions of this Act, a telegraph line or post has been placed by a telegraph authority under, over, along, across, in or upon any property, not being property vested in or under the control of a local authority, and any person entitled to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telegraph line or post should be removed to another part thereof or to a higher or lower level or altered in form, he may tender to the telegraph authority the amount requisite to defray the expense of the removal or alteration and call upon the telegraph authority to remove or alter the line or post accordingly, and, if the telegraph authority refuses or omits to do so, may apply to the District Judge within whose jurisdiction the property is situate to order the removal or alteration.

(2) A District Judge receiving an application under this section may, in his discretion, reject the same or make an order absolutely or subject to conditions for the removal of the telegraph line or post to any other part of the property or to a higher or lower level or for the alteration of its form, and the order so made shall be final and conclusive.

Amendments of the Indian Telegraph Act, 1876.

Amendment of the definition of "telegraph" in Act I of 1876.

11. To the definition of "telegraph" in section 3 of the Indian Telegraph Act, 1876, the following shall be added, namely:— 1 of 1876.

"and includes any apparatus for transmitting or making telegraphic, telephonic or other communications by means of electricity."

Amendment of section 8, clause (*a*), of same Act.

12. To clause *(a)* of section 8 of the same Act the following shall be added, namely:—

"or of any telegraph established by Government and leased to any person."

Addition to section 8 of same Act.

13. To the same section the following words shall be added, namely:—

"When prescribing rules under clause (*a*) of this section, the Governor General in Council may by the rules impose fines for any breach of the same:

"Provided that the fines so imposed shall not exceed the following limits, namely:—

"*(1)* when the licensee or lessee is punishable for the breach, one thousand rupees, and in the case of a continuing breach a further fine of two hundred rupees for every day after the first during the whole or any part of which the breach continues;

"*(2)* when a servant of the licensee or lessee or any other person is punishable for the breach, one-fourth of those amounts."

STATEMENT OF OBJECTS AND REASONS.

THE main object of this Bill is to give power to the Government, and to any company or person licensed under section 4 of the Indian Telegraph Act, 1876, and specially empowered in this behalf, to place telegraph lines under or over property belonging whether to private persons or to public bodies.

2. The attention of the Government has recently been directed to the fact that, as the law now stands, the Governor General in Council and his licensees have no power to place telegraph lines upon the land of municipal or other similar bodies or of private persons. In England the requisite powers are conferred on the Postmaster General, who works and maintains the telegraphs in that country, by 26 & 27 Vic., cap. 112, as amended by 41 & 42 Vic., cap. 76; and as it seems desirable that the Government in which the exclusive privilege of establishing telegraphs in this country is vested should possess somewhat similar powers, the present Bill has been prepared.

3. Section 3 empowers the Government or any company or person licensed under section 4 of the Indian Telegraph Act, 1876, and specially authorized by a Government officer to place and maintain telegraph lines and posts under, over, along, across, in or upon the property of any "person", which term includes a body corporate. It is considered that licensees should have these powers, because the licenses granted always strictly limit the area of the operations of the licensees, and it would be somewhat anomalous for local bodies and private persons to have the power to neutralize the licenses granted by the Governor General in Council by objecting to the licensees' operations, or by hampering them by the exaction of fees for permission to work under their licenses. The powers thus given are, however, to be exercised so as to do as little damage as possible, and their exercise is moreover made subject to important restrictions and conditions.

4. When the property belongs to a municipal board or other local authority, the powers conferred by the Act cannot be exercised over it without the consent of that authority; and that consent may be given subject to conditions. Among other conditions which can be imposed is one requiring that any expenses to which the local authority may be put by the exercise of the power shall be made good; but it will be observed that no provision is made for the payment of compensation on any other account to a local authority whose property is made use of for this purpose, it being considered that, as the construction of telegraphs is a matter in which the public are interested, no charge should be made for accommodation of this sort when it can be granted without inconvenience to the public or expense to the local authority concerned.

5. It may sometimes happen that, though at the time when a telegraph authority desires to exercise its powers over some property of a local authority there may be no reasonable ground for objecting, and the local authority may thus find itself compelled to consent, a state of things may subsequently arise under which the continued exercise of the powers would be felt as a grave public inconvenience or a cause of serious loss. Land, *e.g.*, which was waste at the time the telegraph line was constructed over it might afterwards be required for some important public object or might acquire great value for building purposes, and, as no compensation (except for actual expenses out of pocket) would have been paid to the local authority at the time the line was constructed, it is but just that provision should be made for the removal or alteration of the line in such an event. This accordingly is done by section 5 of the Bill, which empowers the local authority to call upon the telegraph authority to remove or alter its telegraph or post, and, in the event of the telegraph authority refusing or neglecting to do so, gives an appeal to the Local Government.

6. In the event, which it is believed will be rare, of a local authority arbitrarily refusing its consent to the exercise by a telegraph authority of the powers conferred by the Bill or clogging its consent with unreasonable conditions, it will (section 7) be open to the telegraph authority to appeal to the Local Government, whose decision will be final.

7. Turning now to the case in which it may be desired to exercise the powers given by the Bill over the property of private persons, it will be seen that here provision is made for the payment of full compensation, the amount of which in the event of dispute will (section 9) be determined by the Civil Court, and that, in the event of a person upon whose property a telegraph line or post has been placed desiring subsequently to deal with the property in such a way as would make it necessary or convenient that the line or post should be removed to another part of it or to a higher or lower level or altered in form, he can (section 10) tender the cost of the work and call upon the telegraph authority to remove or alter the line or post, and, if that authority refuses to do so, can appeal to the Civil Court.

8. It may be observed, however, that in practice in this country the power of taking telegraph lines through private property is not likely to be exercised either by the Government or by its licensees except on rare occasions, and then as a rule only to the extent of crossing with the wire, a post being scarcely ever erected on private land. Private property has hitherto been always avoided as much as possible, and it is likely to be still more carefully avoided in future if it is made clear, as it is proposed to do by this Bill, that full compensation will have to be paid for exercising the power over private and not for exercising it over public property.

9. The present opportunity has been taken to make three amendments of the Indian Telegraph Act, 1876, which experience has shown to be desirable. The first has for its object the emendation of the definition of "telegraph" so as to bring it into more exact conformity with the construction put upon the definitions in the English Acts by a recent decision of the High Court of Justice in England.

10. The second is intended to provide for the regulation of telegraph lines constructed by the Government but leased to companies or individuals by whom they are worked. The position of such lines under the Act as it at present stands is far from clear, and the object of the amendment proposed in section 12 of the Bill is to put them on much the same footing as licensed lines.

11. The object of the third amendment, which is made by section 13 of the Bill, is to prescribe penalties for the breach of the rules made under section 8 of the Act for the conduct of telegraphs worked under license or lease. In such cases, as the Act now stands, the only remedy is to revoke the license or lease, but this course would in most cases cause such great public inconvenience that it is impracticable. The result is that at present there is virtually no penalty for the infringement of the rules made under section 8 of the Act. To remedy this state of things, the Bill adds a clause to that section empowering the Governor General in Council to prescribe by the rules moderate fines for the breach of them.

The 12th August, 1884.

T. C. HOPE.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Report of the Select Committee on the Bill to make better provision for the organization and administration of Municipalities in the Panjáb was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August, 1884:—

WE, the undersigned Members of the Select Committee to which the Bill to make better provision for the organization and administration of Municipalities in the Panjáb was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Government, Panjáb, No. 211, dated 10th April, 1884, and enclosures [Papers No. 1].
From E. vs. Cullin, Esq., dated 27th April, 1884, and enclosure [Papers No. 2].
From Officiating Secretary to Government, Panjáb, No. 68S., dated 16th May, 1884, and enclosures [Papers No. 3].
From Officiating Secretary to Government, Panjáb, No. 74S., dated 16th May, 1884, and enclosure [Papers No. 4].
From Officiating Secretary to Government, Panjáb, No. 79S., dated 21st May, 1884, and enclosure [Papers No. 5].
From Officiating Secretary to Government, Panjáb, No. 88S., dated 27th May, 1884, and enclosures [Papers No. 6].
From Officiating Secretary to Government, Panjáb, No. 94S., dated 29th May, 1884, and enclosures [Papers No. 7].
From Officiating Secretary to Government, Panjáb, No. 121S., dated 9th June, 1884, and enclosures [Papers No. 8].
Extract from the *Tribune* of 14th June, 1884 [Papers No. 9].

2. Instead of repealing the Panjáb Municipal Act, 1873, and bringing the new law into force at once, as was proposed in the Bill as introduced, we have thought it better (section 4 of the amended Bill) to require the Local Government to apply the new law to any place to which that Act had been extended, unless the Local Government comes to the conclusion, and declares by notification in the official Gazette, that the provisions of the Act are not suited to any such place. The Local Government is at the same time empowered to continue in office the members of the present committees as if they had been elected or appointed under the new law for any term not exceeding three years which it may fix. When the new law is thus made applicable to any place to which the Act of 1873 had been extended, that Act will cease to apply, and other consequences will follow, which are set forth in section 12. In the Supplemental chapter, the Local Government is further empowered to withdraw the area of any municipality from the operation either of Act IV of 1873 or of the new law, if the latter has been made applicable. The Local Government will thus be enabled to abolish any municipality constituted under Act IV of 1873, if it appears undesirable to continue municipal institutions in the area under its control.

3. The provisions as to the term of office of members, the removal of members and the filling up of casual vacancies in the committee have been assimilated, as nearly as possible, to the corresponding provisions in the District Boards Act.

4. On the recommendation of the Local Government, we have by section 14 empowered the Commissioner of a division to approve of the election of a president by a second class committee, and to appoint the president of a committee of this class where the committee is not empowered to elect, or fails or does not desire to exercise the power.

5. The provision in section 25 enabling the president or, in his absence, a vice-president to exercise the powers of the committee in cases of emergency has been limited to the power, at the cost of the municipality, to direct the execution of any work or the doing of any act which he considers necessary for the service or safety of the public; and, when he exercises this power, he is required to report his proceedings to the next following meeting of the committee. Where the case is sufficiently provided for by the rules of business under section 24, as to the exercise of the executive authority of the committee, the extraordinary powers given by section 25 of course will not arise, as there would not then be a case of emergency.

6. In section 27 we have provided that nothing done under the Act should be questioned on account of the existence of a vacancy in a committee or joint committee or of any merely formal defect.

7. We have not retained the provision of the Bill as introduced requiring the sanction of the Commissioner of the division to the removal of a paid secretary, and his sanction to the appointment is confined (section 28) to the appointment of a paid secretary and to

the rate of pay to be allowed, and does not extend to approval of the person selected. The responsibility for appointing a proper person will thus rest exclusively with the committee. In cases, however, in which Government officers were employed in the service of a municipality before the passing of this Bill into law, section 12 provides for their remaining in the service of the new committee, and prohibits their dismissal unless under the sanction of the Local Government.

8. The employment of other officers and servants (when there is available budget provision) is made subject only (section 29) to what is necessary and proper for the efficient execution of the duties of the committee, and to any rules which the Local Government may make as to the employment of persons appointed to offices requiring professional skill; but power is given to the Commissioner of the division, subject to an appeal by the committee to the Local Government (section 30), to require the reduction of excessively large or expensive establishments or of unduly high rates of pay.

9. We have raised the limit of the power of first class committees (section 33) to delegate the authority to enter into contracts on their behalf to 500 rupees, and have required all contracts for larger amounts on behalf of any committee to be sanctioned at a meeting of the committee before they can be entered into. It has been suggested that separate provision is required for contracts which do not fix the quantity of work to be done, but only the rate to be paid per unit of work; but we are of opinion that these contracts can be brought within this section by fixing a maximum limit, not exceeding five hundred rupees, on the sum which may become payable under them.

10. In section 34 the limit of value above which contracts are required to be in writing has been increased from Rs. 20 to Rs. 100 in the case of first class committees, and Rs. 50 in the case of second class committees.

11. The prohibition in section 35 of members, officers or servants of the committee being interested in contracts with the committee, unless with the Commissioner's permission, has been assimilated to section 62 of the District Boards Act.

12. Section 36, which takes the place of section 99 of the Bill as introduced, has been modified so as to require notice to be given of all suits against committees, or against their officers for their official acts; the sub-sections as to limitation and as to tender of amends being omitted as unnecessary. The protection thus given corresponds with that given to Government and to public officers by section 424 of the Civil Procedure Code, except that the notice required is shorter.

13. In the Taxation chapter the taxes which committees are empowered to propose for the general purposes of the Act are brought together in section 39, a higher rate of tax on buildings and lands being allowed in certain scheduled municipalities, all of which are hill-stations, than that which is fixed as the maximum elsewhere.

14. In the second sub-section of section 39 we have defined the expression "annual value" as meaning the gross annual rent for which buildings or lands might reasonably be expected to let, and we have omitted the first proviso, as, though it has been the practice in hill-stations to let houses furnished, the furniture supplied is ordinarily of small value; and as most of us are of opinion that the rent to be considered in estimating the annual value is the sum for which they would let if unfurnished, we have added words making this clear.

15. Special powers are also given to impose a scavenging-tax and a water-tax as payment for services rendered to the occupiers of any buildings or land or for the construction and maintenance of works for the supply of water from which such occupiers may benefit. No special power has been thought necessary to enable committees to charge fees for the use of schools or other public institutions maintained by them, as they may impose any conditions they may think proper upon persons who wish to avail themselves of the benefit of such institutions.

16. We have modified the procedure for imposing and assessing taxes (section 42) by providing that new taxes leviable by the year should not come into force except at the commencement of the year, and other new taxes until at least six months have elapsed from the date of the meeting at which, after the requisite sanction has been obtained, their imposition is directed.

17. We have enabled the Local Government (section 45), where any tax appears unfair in its incidence or injurious to the interests of the public, to require the committee to take the necessary measures to remove the objection and, if it fails to comply with the requisition, to suspend the levy of the tax.

18. We have (section 49) given an appeal against assessments, on account of octroi, as in the case of other taxes, and we have also enabled officers hearing appeals against assessments, if they entertain reasonable doubt on any question as to the liability to, or principle of, the assessment, to state a case for the decision of the Chief Court.

19. We have (section 52) saved taxes leviable under the Municipal Act now in force so far as they are consistent with, and within the powers conferred by, the new law.

20. We have in section 59 conferred upon the committee a power to remit a tax on buildings on certain equitable grounds.

21. We have made taxes on buildings and lands, other than the scavenging-tax and the water-tax, payable by the owner and also a charge upon the property, and have therefore found it unnecessary to make them recoverable from the occupier if not paid by the owner after notice.

22. We have added a section (62) giving power to inspect the contents of a conveyance or package to ascertain whether octroi is payable by having it brought before a Magistrate for the purpose, if the person bringing or receiving it within the municipality refuses to allow the necessary inspection, and have in other respects amended the provisions of the Bill as introduced on the subject of the recovery of octroi.

23. The provisions of the Bill on the subject of the municipal fund and of municipal property have been brought together in a new chapter (Chapter IV). In this chapter we have provided (section 68) for prior charges on the municipal fund for loans, establishment-charges and payments for maintenance of pauper-lunatics, audit of accounts, and services rendered to the committee by Provincial Departments of Government, and have empowered the Local Government to make rules with respect to the relative priority to be given to the other duties of the committee. We have also (section 71) declared certain descriptions of property held for municipal purposes to vest in the committee, and have (section 72) introduced a clause, based on a somewhat similar provision of the Bombay Municipal Act, providing that the administration of every public institution maintained out of municipal funds shall vest in the committee, but that the extent of the independent authority of the committee may be prescribed by the Local Government.

24. The sections relating to municipal police have also been collected in a separate chapter (Chapter V). We have added a section (78) defining the powers and duties of the police in respect of offences against the Act or rules made thereunder. By this section they are empowered to arrest persons committing such offences when necessary, and are required to give immediate information of the commission of such offences to the committee, and to assist members or officers of the committee in the exercise of their lawful authority.

25. Another new chapter (Chapter VI) sets forth the powers of the committee to do, or to require others to do, or to abstain from doing, particular acts. This and the following chapter, which deals with offences affecting the public health, safety or convenience, take the place of the powers to make rules for the prevention of nuisances, and for entry on private property for the detection and abatement of nuisances, given by section 67 of the Bill as introduced, and of the powers to issue injunctions and make conditional orders as to nuisances given by sections 68 to 70, and this chapter also embodies the additional powers to make rules and other powers expressly given by the Bill as introduced.

26. In framing these sections, the existing bye-laws of the principal municipalities, and the detailed Municipal Acts in force in other provinces of British India, have been referred to, and we have endeavoured to give all the powers not elsewhere given in the Bill which it appears to be necessary or proper that Panjáb municipalities should possess. While there may be municipalities in which some of these powers are not required, these municipalities can be excepted by the Local Government under one of the provisions contained in the Supplemental chapter from the sections giving the powers which the circumstances of the municipality render unnecessary.

27. Instead of enabling committees to make rules regulating for sanitary reasons the crops which may be grown within municipal limits, we have, by section 116, empowered the Local Government to prohibit by notification the cultivation of any crop, the use of any manure or the irrigation of land in any manner, which is reported by the Sanitary Commissioner to be injurious to health, or to impose such conditions thereupon as may remove the risk of injury, and have provided for compensation where the practice prohibited was of long standing.

28. In section 117, which relates to the regulation of offensive or dangerous trades, and corresponds with section 74 of the Bill as introduced, we have omitted manufactories of gunpowder or fireworks, which can now be regulated by rules made by the Local Government under the Explosives Act, IV of 1884, and shops for smoking opium, as these must be licensed under the Opium Act, and the Local Government may, if it thinks proper, instruct Deputy Commissioners to consult municipalities before granting a license under that Act.

29. In section 119 we have extended the power given by the Bill as introduced to make rules for the inspection and proper regulation of lodging-houses to houses occupied by members of more than one family, and have stated in greater detail the subjects with which such rules may deal. This power, with that given in section 115, to prohibit the use for human habitation of houses unfit to be so used, will enable committees to exercise more effective control than hitherto over the arrangements for the accommodation of human beings where this appears necessary for the preservation of the public health, and will, it is believed, be of special importance, not only in hill-stations, but in places the population of which is liable to be largely increased at particular seasons by the resort of pilgrims or the holding of large fairs.

30. Chapter VII provides for the punishment of certain offences affecting the public health, safety and convenience and of disobedience to orders given by the committee under the powers conferred by the preceding chapter.

31. In Chapter VIII, which deals with control, the changes made have been in the direction of assimilation with the provisions of the Panjáb District Boards Act. We have also revised the list of subjects on which the Local Government is empowered to make rules.

32. In the Supplemental chapter (Chapter IX) we have added provisions that copies of rules should be kept by committees available for inspection and for sale to the public (section 160); that rules or bye-laws made under the Panjáb Municipal Act, 1873, should, so far as consistent with, and within the powers conferred by, this Bill, continue in force until repealed by new rules, which the proper authority is required to make and take the necessary steps for bringing into force so soon as may be (section 161); and we have included provisions for altering the boundaries of municipalities or the class to which they belong (sections 165 to 169), for excepting them from the operation of such parts of the Bill as are not suited to their circumstances (section 170), and for withdrawing them from the operation of the law relating to municipalities (section 171).

33. A special section applicable only to Simla (section 177) has also been added to save the land-tax which has been substituted for the ground-rent formerly charged by Government, and which is levied concurrently with a tax on the annual value of property.

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

In English.

Gazette.	*Date.*
Gazette of India	2nd, 9th and 16th June, 1883.
Panjáb Government Gazette	7th, 14th and 21st June, 1883.

In the Vernaculars.

Province.	*Language.*	*Date.*
Panjáb	... Urdu	... 2nd, 9th and 16th July, 1883.

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

D. G. BARKLEY.
J. GIBBS.
C. P. ILBERT.
T. C. HOPE.

I HAVE not signed this Report, as, though originally appointed a Member of the Select Committee, I was unable to be present at any of the meetings.

J. W. QUINTON.

The 5th August, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th August, 1884, and was referred to a Select Committee:—

No. 12 OF 1884.

A Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma.

WHEREAS it is expedient to provide more effectually for the suppression of certain forms of gaming in British Burma; It is hereby enacted as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Burma Gaming Act, 1884.

(2) It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force at once.

Game of *ti* and like games to be deemed lotteries.

2. The game known as "*ti*," and every other game or pretended game of a like nature, shall be deemed a lottery within the meaning of section 294A of the Indian Penal Code. XLV of 1860.

Application of Act III of 1867 to game of *ti* and like games.

3. *(1)* Taking part in the game of "*ti*," or in any other game or pretended game of a like nature, shall also be deemed gaming within the meaning of Act III of 1867.

(2) Every house, walled enclosure, room or other place, whether public or private, where any such game or pretended game is carried on, shall, for the purposes of that Act, be deemed a common gaming-house, and all expressions referring to the use of any such place as a common gaming-house shall include the use thereof for any such game or pretended game on a single occasion.

(3) All boxes, receptacles, lists, papers, tickets and forms used for the purpose of any such game or pretended game shall be deemed instruments of gaming within the meaning of the said Act.

Penalty on conducting game of *ti* and like games.

4. Whoever conducts or assists in conducting the game of "*ti*," or any other game or pretended game of a like nature, as manager, stakeholder or *daing*, or who is according to the rules of the game or pretended game entitled to receive the surplus proceeds, or any part of the surplus proceeds, of the stakes, after deducting the amount payable to the successful player or players, shall be punished with imprisonment for a term which may for a first offence extend to six months, and for a subsequent offence to two years, or with fine, or with both.

Power to extend local application of Act III of 1867 within British Burma.

5. *(1)* The Chief Commissioner may, from time to time, by notification published in the official Gazette, extend to the whole or any part of the territories for the time being under his administration any such of the provisions of Act III of 1867 as do not for the time being extend thereto. [See Act III of 1867, ss. 1 and 2.]

(2) From the date of any such extension so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with or repugnant to any provision so extended shall cease to have effect in those territories.

Power to demand security.

6. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or, when he is specially empowered in this behalf by the Local Government, a Magistrate of the first class receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by carrying on, or assisting in carrying on, the game of *ti*, or any other game or pretended game of a like nature, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code of Criminal Procedure; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise. [See C. C. P., s. 110.] X of 1882. [Act X of 1882, s. 117.]

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide more effectually for the suppression of certain forms of gaming in British Burma.

2. It has long been the opinion of the most experienced District and Police Officers that the systematic gambling originally introduced by the low class Chinese who infest the towns and villages, and now carried on by them and by Burmans of a similar stamp, is doing great injury to the people of that province. In 1882, on the representation of the Inspector-General of Police of the prevalence of *tis* and of the inadequacy of the law to repress them effectually, the matter was taken up by the Chief Commissioner, who by a Resolution directed Commissioners to obtain an expression of public opinion on the question. With the Resolution were circulated various papers bearing on the subject, including a Bill for the suppression of unlawful gaming which was before the legislature of the Straits Settlements. Special inquiry was made as to whether the people of Burma desired, and were prepared to accept, a stringent gaming law similar to that Bill.

3. The answers showed clearly that the Burmans as a body regarded the prevalence of gambling, especially as practised in the *ti*,* as a very great evil. Government officers were almost equally strong in their denunciations of these *tis*. With a few exceptions the opinions received were in favour of suppressing this and other forms of public gaming, and the Bill proposed for the Straits Settlements was accepted as a guide to the direction which legislation should take.

4. The history of the means which the Courts have hitherto used to check the opening of *tis* is briefly as follows. For some years after the passing of Act III of 1867 it was held that a *ti* was a form of gaming, and that the lists and papers used in the *ti* were instruments of gaming, within the meaning of that Act. This view was confirmed by the High Court of Calcutta in 1869. In 1876 Mr. Wilkinson and Mr. Quinton, as Judges of the Special Court of British Burma, held that *tis* were lotteries, and that, since the enactment of section 294A of the Indian Penal Code, lotteries were punishable under that section and not under Act III of 1867. It is not clear what effect the learned Judges of the Special Court gave to section 15 of Act XXVII of 1870, the Act by which section 294A of the Indian Penal Code was enacted. However, since the date of this judgment, the prosecution of the promoters of *tis* under Act III of 1867 may be said to have ceased; *tis* have been regarded as lotteries and the persons concerned in them have been prosecuted under section 294A of the Indian Penal Code; and until lately no doubt of the applicability of that section to this particular kind of gambling has arisen.

5. Two recent rulings of the Judicial Commissioner have presented a different view of the law. In the first of the cases in question the accused had been convicted by the Magistrate, under section 13 of Act III of 1867, as having been engaged in a *ti* in a *zayat* or public rest-house beside a public road. The Judicial Commissioner called for the proceedings, and, having come to the conclusion that a *ti* was not a game of chance and was mere betting or wagering, he referred the matter to the Special Court. The Officiating Recorder, Mr. Allen, dissented from the Judicial Commissioner's opinion, and held that the conviction was right. Under the constitution of the Special Court the opinion of the referring Judge prevails. The Judicial Commissioner accordingly issued a circular in which his own view of the law is enjoined on the Courts subordinate to him,—in other words, on all Courts outside the jurisdiction of the Recorder of Rangoon,—and in which he lays down the doctrine that a *ti* is not a game nor a lottery, and that the papers used in collecting the money of the persons who take part in the *ti* are wrongly described as lottery-tickets. In the second of these cases the accused had been convicted by the Magistrate at Rangoon under section 294A of the Penal Code of keeping a lottery-office. On appeal to the Officiating Recorder, that officer referred the question of whether a *ti* is a lottery to the Special Court. The Judicial Commissioner held that it was not; the Officiating Recorder that it was. In this case also the opinion of the referring Judge prevailed. The Judicial Commissioner, however, has informed the Courts subordinate to him that his own view of the law is to be their guide. There are thus two contradictory judgments of the Special Court, and two diverse rules of law established for different parts of the province, each Judge holding to his own individual opinion.

6. The object of the present Bill is to obviate the effect of the judgments and circulars of the Judicial Commissioner above referred to, which bar all prosecutions for *ti*-gaming, and the effect of which has already been to give a fresh impetus to that kind of gambling.

It has not been thought expedient to copy the measure proposed by the Government of the Straits Settlements. The draft Ordinance is a very complicated piece of legislation, very stringent in its provisions, and very likely, unless worked under closer supervision than can be given to it in Burma, to become an engine of oppression. Moreover, it does not seem either necessary or desirable to endeavour to check gambling of every kind. A people like the Burmese must have amusement of some sort. It is quite possible to make gambling an expensive amusement, but to stop it altogether, if the people wish to indulge in it, is beyond the power of the law, and the attempt to do it would probably only result in systematic bribery and the corruption of the police. What appears to be chiefly needed is the repression of the professional *ti*-gambler, the man who makes his living by going about inducing people to game and as often as not swindling them out of their money. The urgent requisite is a law which will enable the authorities to deal with professional gamblers, and all who aid and abet them, with prompt severity, wherever they may be found. For other purposes the Act of 1867 appears to be sufficient, nor does the extension of all its provisions to the province generally appear even to be necessary.

* The nature of the game or lottery or series of bets called *ti* is as follows:—The banker, or professional gambler, who makes his living by the game, chooses one of 36 animals and deposits a piece of paper on which its name is written in a hollow bamboo or box. Then his emissaries go round asking people to name the animal so chosen and to back their guess by putting down their money. Any one who guesses rightly gets thirty times his stake; the others lose.

7. The present Bill has, therefore, been framed so as to deal particularly with *ti*-gaming, for which fresh legislation is urgently required.

Section 2 removes the doubt which has been felt as to the construction of section 294A of the Penal Code, by declaring the game of "*ti*" and other like games to be "lotteries" within the meaning of that section.

Section 3 similarly removes the doubt which has been felt as to the construction of Act III of 1867, by declaring that taking part in the game of "*ti*" and other like games shall be deemed to be "gaming" within the meaning of that Act. It also contains other provisions the chief effect of which will be to make it an offence to take part in such games in a private as well as in a public place.

The penalties imposed by section 4 on those who, as managers, *daings*, &c., conduct or assist in conducting such games have been advisedly made severe. Experience has shown that nothing but great severity of punishment will suffice to check this profitable form of gambling.

Section 6 of the Bill gives power to the Courts to demand security from persons who notoriously earn their living, or part of their living, by gaming of this description. The necessity for this provision arises to some extent from the fact that gambling of the kind which it is the object of the proposed enactment to suppress has been held to be an ostensible means of subsistence within the meaning of the Code of Criminal Procedure.

If this Bill becomes law, the powers in the hands of the authorities for the suppression of gambling will, it is believed, be sufficient and will at the same time be such as to secure, it may be confidently hoped, the desired results without risk of oppression.

The 29th August, 1884.

C. P. ILBERT.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 6, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th August, 1884, and was referred to a Select Committee:—

No. 9 OF 1884.

A Bill to legalize the discharge by the Lieutenant-Governor of the North-Western Provinces of certain functions assigned to the Governor General in Council.

WHEREAS certain functions which are by enactments in force in the North-Western Provinces assigned to the Governor General in Council are in practice discharged by the Lieutenant-Governor of those Provinces, and it is expedient that these functions should continue to be so discharged, and that their discharge in the past should be legalized;

It is hereby enacted as follows:—

Transfer to Lieutenant-Governor of certain functions of Governor General in Council.

The sections of the enactments hereto scheduled which are specified in the third column of the schedule shall have effect, and, so far as may be necessary to validate anything heretofore done under them by the Lieutenant-Governor of the North-Western Provinces, shall be deemed to have had effect, as if the Lieutenant-Governor of the North-Western Provinces were therein referred to instead of the Governor General in Council.

THE SCHEDULE.

(a) Regulations of the Bengal Code.

Number and year.	Subject.	Section.
V of 1799	To limit the interference of the Zilá and City Courts of Díwání Adálat in the execution of wills and administration to the estates of persons dying intestate.	7
II of 1800	For laying open to public use the stone-quarries at Chunar, Gházipur and Mirzapur, in the Province of Benares, subject to a fixed duty.	10 & 14
IX of 1833.	To modify certain portions of Regulation VII of 1882 and Regulation IV of 1828; to provide for the more speedy and satisfactory decision of judicial questions cognizable by officers of Revenue employed in making settlements under the above Regulations; for enforcing the production of the village accounts; for the more extensive employment of native agency in the Revenue Department; and to declare the intent of section 5, Regulation VII of 1822, touching claims to málikána.	16, 17 & 25

(b) Act of the Governor General in Council.

Number and year.	Subject.	Section.
XII of 1856.	To amend the law respecting the employment of amíns of the Civil Courts in the Presidency of Fort William.	2

STATEMENT OF OBJECTS AND REASONS.

UNDER certain enactments in force in the North-Western Provinces certain functions are assigned to the Governor General in Council, which in practice are now discharged by the Lieutenant-Governor of those provinces. Thus, by sections 10 and 14 of Bengal Regulation XXXIII of 1800 (*for laying open to public use the stone-quarries at Chunar, Gházipur and Mirzapur, in the Province of Benares, subject to a fixed duty*), the Governor General in Council is empowered to sanction the allowances and establishment of the dáróghas of the stone-quarries referred to, to fix the rate of duty payable in respect of stone excavated from those quarries, and to make further rules respecting the quarries. As these quarries have now become Provincial both financially and administratively, they have long been under the control of the Local Government, which has been in the habit of exercising the powers above noticed, though they are by law assigned to the Governor General in Council.

2. As the discharge by the Lieutenant-Governor of the North-Western Provinces of these and similar functions assigned by other enactments to the Governor General in Council, though in accordance with existing administrative arrangements, would seem to be of doubtful legality, the present Bill has been prepared with the object of empowering the Lieutenant-Governor to continue to discharge these functions in the future and legalizing their discharge by him in the past.

The 4th August, 1884.

C. P. ILBERT.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th August, 1884, and was referred to a Select Committee :—

No. 10 OF 1884.

A Bill to amend the Transfer of Property Act, 1882.

WHEREAS it is expedient to amend the Transfer of Property Act, 1882; It is hereby enacted as follows :— IV of 1882.

1. For the fifth clause of section 1 of the said Act the following shall be substituted, namely :— Amendment of section 1 of Act IV of 1882.

"And any Local Government may, with the previous sanction of the Governor General in Council, from time to time, by notification in the local official Gazette,—

"(*a*) exempt, either retrospectively or prospectively, any part of the territories administered by such Local Government from all or any of the following provisions, namely :—

"Sections fifty-four, paragraphs two and three, fifty-nine, one-hundred and seven and one hundred and twenty-three; or

"(*b*) direct, either retrospectively or prospectively, that section forty-one shall not apply throughout any part of those territories to any property in which a member of any race, sect, tribe or class specified in the notification is interested."

2. The following clause shall be deemed to have been added to the first section of the said Act from the date on which it came into force, namely :— Addition to same section.

"Notwithstanding anything in the foregoing part of this section, sections fifty-four, paragraphs two and three, fifty-nine, one hundred and seven and one hundred and twenty-three shall not extend or be extended to any district or tract of country excluded from the operation of the Indian Registration Act, 1877, under the power conferred by the first section of that Act or otherwise." III of 1877.

3. To section 4 of the said Act the following shall be added, namely :— Addition to section 4 of same Act.

"And sections fifty-four, paragraphs two and three, fifty-nine, one hundred and seven and one hundred and twenty-three shall be read as supplemental to the Indian Registration Act, 1877." III of 1877.

4. In section 69 of the said Act— Amendment of section 69 of same Act.

(*a*) after the words "is valid in the following cases" the words "and in no others" shall be inserted; and

(*b*) after the words "Hindu, Muhammadan or Buddhist," in both places where they occur, there shall be inserted the words "or a member of any other race, sect, tribe or class from time to time specified by the Local Government, with the previous sanction of the Governor General in Council, in the local official Gazette in this behalf."

STATEMENT OF OBJECTS AND REASONS.

THE last clause of section 1 of the Transfer of Property Act, 1882, provides that any Local Government may, with the previous sanction of the Governor General in Council, exempt, either retrospectively or prospectively, throughout the whole or any part of the territories administered by such Local Government, the members of any race, sect, tribe or class from all or any of the following provisions, namely, sections 41, 54 (paragraphs 2 and 3), 59, 69, 107 and 123.

54. * * Such transfer, in the case of tangible immoveable property of the value of one hundred rupees and upwards, or in the case of a reversion or other intangible thing, can be made only by a registered instrument.

In the case of tangible immoveable property of a value less than one hundred rupees, such transfer may be made either by a registered instrument or by delivery of the property.

59. Where the principal money secured is one hundred rupees or upwards, a mortgage can be effected only by a registered instrument signed by the mortgagor and attested by at least two witnesses.

Where the principal money secured is less than one hundred rupees, a mortgage may be effected either by an instrument signed and attested as aforesaid, or (except in the case of a simple mortgage) by delivery of the property.

Nothing in this section shall be deemed to render invalid mortgages made in the towns of Calcutta, Madras, Bombay, Karachí and Rangoon, by delivery to a creditor or his agent of documents of title to immoveable property, with intent to create a security thereon.

107. A lease of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by a registered instrument.

All other leases of immoveable property may be made either by an instrument or by oral agreement.

123. For the purpose of making a gift of immoveable property, the transfer must be effected by a registered instrument signed by or on behalf of the donor, and attested by at least two witnesses.

For the purpose of making a gift of moveable property, the transfer may be effected either by a registered instrument signed as aforesaid or by delivery.

Such delivery may be made in the same way as goods sold may be delivered.

2. In a letter, dated the 6th September, 1882, the Chief Commissioner of Assam asked for an expression of opinion from the Government of India as to the effect which the exemption under that clause, of "any race, sect, tribe or class" from the provisions of section 54 (paragraphs 2 and 3) and sections 59, 107 and 123, which are set out on the margin, has upon transactions, one of the parties concerned in which is a member of such race, sect, tribe or class, while the other party does not belong to an exempted class.

3. To this reference the Government of India, on the 13th December, 1882, replied that the precise manner in which the exemption would operate under the circumstances described was a matter of some difficulty; and the only satisfactory means by which an intelligible operation might be given to section 1 of the Act seemed to be the amendment of that section so as to make the exemption from sections 54, 59, 107 and 123 local and not personal.

4. The Chief Commissioner, in a letter dated 12th January, 1883, suggested as an alternative, and in his opinion a preferable one, a power to exempt not persons or places but transactions in which one or both of the parties might be members of the race, sect, tribe or class for which the sections in question might be deemed unsuitable.

5. It was thought desirable to obtain the opinions of the other Local Governments on the two alternative proposals thus put forward, and accordingly, on the 7th May, 1883, a circular was issued for this purpose.

6. It will be observed that the question thus raised was confined to the power conferred by section 1 of the Act to exempt from the operation of sections 54, 59, 107 and 123; but, attention having been once drawn to the subject, it was natural that the effect of an exemption from the other two sections of the Act (41 and 69) mentioned in section 1 and set out in the margin should also be considered; and, on looking into the matter, it was found that, while an exemption under either of those sections would give rise to questions very similar to those raised by the Chief Commissioner of Assam in the case of the sections referred to by him, there was this further difficulty in regard to section 69 that the object of allowing any power to exempt from it was not apparent. The circular accordingly asked for the opinions of the Local Governments in regard to these sections also.

41. Where, with the consent, express or implied, of the persons interested in immoveable property, a person is the ostensible owner of such property and transfers the same for consideration, the transfer shall not be voidable on the ground that the transferor was not authorized to make it: provided that the transferee, after taking reasonable care to ascertain that the transferor had power to make the transfer, has acted in good faith.

69. A power conferred by the mortgage-deed on the mortgagee, or on any person on his behalf, to sell or concur in selling, in default of payment of the mortgage-money, the mortgaged property, or any part thereof, without the intervention of the Court, is valid in the following cases (namely)—

(*a*) where the mortgage is an English mortgage, and neither the mortgagor nor the mortgagee is a Hindú, Muhammadan or Buddhist;

(*b*) where the mortgagee is the Secretary of State for India in Council;

(*c*) where the mortgaged property or any part thereof is situate within the towns of Calcutta, Madras, Bombay, Karáchí or Rangoon.

But no such power shall be exercised unless and until—

(1) notice in writing requiring payment of the principal money has been served on the mortgagor or one of several mortgagors, and default has been made in payment of the principal money, or of part thereof, for three months after such service; or

(2) some interest under the mortgage amounting at least to five hundred rupees is in arrear and unpaid for three months after becoming due.

When a sale has been made in professed exercise of such a power, the title of the purchaser shall not be impeachable on the ground that no case had arisen to authorise the sale, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised; but any person damnified by an unauthorised, or improper or irregular exercise of the power shall have his remedy in damages against the person exercising the power.

The money which is received by the mortgagee, arising from the sale, after discharge of prior incumbrances, if any, to which the sale is not made subject, or after payment into court under section fifty-seven of a sum to meet any prior incumbrance, shall, in the absence of a contract to the contrary, be held by him in trust to be applied by him, first, in payment of all costs, charges and expenses properly incurred by him as incident to the sale or any attempted sale; and, secondly, in discharge of the mortgage-money and costs and other money, if any, due under the mortgage; and the residue of the money so received shall be paid to the person entitled to the mortgaged property or authorized to give receipts for the proceeds of the sale thereof.

Nothing in the former part of this section applies to powers conferred before this Act comes into force.

The powers and provisions contained in sections six to nineteen (both inclusive) of the Trustees and Mortgagees' Powers Act, 1866, shall be deemed to apply to English mortgages, wherever in British India the mortgaged property may be situate, when neither the mortgagor nor the mortgagee is a Hindú, Muhammadan or Buddhist.

7. The replies of the Local Governments have now been received and considered by the Government of India, and the following are the conclusions to which they seem to point.

8. In the first place, as regards the power of exempting from the operation of sections 54, 59, 107 and 123, it seems to the Governor General in Council best to make it simply a power of exempting locally, that is to say, the exemption should be absolute and cover transactions relating to any immoveable property within the specified area, whether both or one or none of the parties may belong to those races or tribes for whose benefit the exemption is intended. To give a personal character to the exemption and restrict it, as some suggest, to transactions within the area, to which either both parties or one of the parties are of particular races, would give rise to uncertainty of title and other difficulties and doubts noticed by Sir C. Turner and others. With a local exemption clause of an absolute character an intending purchaser has to look to nothing but the situation of the property.

9. It is true that there may be advanced people living in exempted localities for whom the sections in question would provide a law more suitable than that which prevails where they do not apply, but it must be remembered that these people always could, and Europeans, it is believed, generally would, follow the practice of having formally executed and registered documents, and this would to a great extent give them the benefits aimed at by the Act; for it must be borne in mind that in the places in question titles would not usually be complicated, and in any case the sections of the Act referred to are not an essential part of the law, but merely an improvement of it, which is not in force as yet in great provinces like Bombay, the Panjáb and British Burma. Again, on the other hand, it is true that there may be members of wild tribes settled in some non-exempted localities, and that they may find it difficult to learn to act up to the law; but, as has been observed by some of the authorities consulted, wild people scattered in this way among a population the great mass of which is civilized soon get into the ways of the people among whom they live.

In either case the objection is one that must apply to most of our enacted laws, and indeed to a good deal of the customary law of the country. We cannot get a law that will suit everybody; we must be content with a reasonably close approximation.

10. The first section of the Bill accordingly amends section 1 of the Act so as to empower a Local Government, with the previous sanction of the Governor General in Council, to exempt any part of the territories under its administration from the operation of any of these sections.

11. Next, as regards the powers to exclude the operation of section 41, the considerations to be borne in mind are fully stated by the Chief Justice of Madras in his opinion.

Sir C. Turner observes that the general rule that no one can confer a higher right in property than he himself possesses in some cases worked obvious hardship; and, as the science of jurisprudence advanced, it was limited by the exception declared in section 41, on the principle that, where one of two innocent persons must suffer from the fraud of a third party, the loss should fall on him who has created or could have prevented the opportunity for the fraud. To races which have not made a substantial progress in civilization, this rule appears to Sir Charles Turner to be unsuited for the following reasons, as stated in his own words:—

"Regarding the question in its sentimental aspect, it is certain that a member of a race unacquainted with the refinements of equity would fail to recognize the justice of a rule which caused him to be deprived of his property by what is *ex hypothesi* a fraud.

"I do not contend that legislation is to be governed by sentimental considerations, but I have heretofore asserted, and still hold, that legislation should only be so far in advance of the general understanding that its justice should be recognized by the more enlightened.

"There is, however, a substantial reason to be deduced from the rule itself, which shows its inapplicability to uncivilized races. The rule affords protection only to a purchaser for consideration who acts in good faith after reasonable inquiry.

"The imposition of these conditions on the purchaser suggests to persons, who have occasion to create an ostensible ownership of their property in others, the prudence of providing certain safeguards. If they are well advised, they are careful to secure evidence of the actual ownership, so that a purchaser, on making due inquiry, must either ascertain the true character of the transaction, or entertain such suspicion of its character that he can no longer assert that he acted in good faith.

"The transactions of uncivilized races in the matter of property are of the simplest character; they are unacquainted with the precautions which technical skill has devised to secure property.

"Again, as society progresses, men are habituated to exercise greater caution in their dealings with their fellows, and have larger opportunities for selecting agents who are reputed either to be worthy of confidence or to be in a position to answer for a breach of confidence. A prudent man selects for an office of trust a person of tried probity and some substance. The uncivilized races have less choice in the selection of agents and less opportunity for forming a judgment of the character and position of their agents."

12. The conclusion to which these remarks seem to point is that the Government should be empowered to direct that section 41 should not apply throughout any particular local

area to any property in which a member of any particular race, sect, tribe or class is interested, and it is on these lines that sub-clause (*b*) of the new fifth clause which the Bill proposes to insert in the first section of the Act has been framed.

13. The discussion regarding section 69 has opened out questions extending beyond the particular difficulty first brought to notice, and it is fortunate that the Government have had in considering them the assistance of Sir C. Turner, who was a member of the Commission by which the Transfer of Property Bill was settled.

The circumstances under which the section was enacted will be found stated in the following extract from his Minute :

"In England, it is usual to confer on a mortgagee, in case of default, a power to sell the mortgaged property without the intervention of a Court of justice ; and, where the instrument of mortgage does not confer the power, but does not in express terms negative it, a mortgagee is empowered by statute to sell on the expiry of twelve months after the date of default and of six months from the date on which notice is given of his intention to exercise the power—23 & 24 Vic., c. 145. This statutory provision was, by Act XXVIII of 1866, extended to mortgages in this country to which the English law is applicable.

"On the other hand, the simple mortgage in India did not authorize a sale without the order of a Court, and by Regulation XVII of 1806 in the Bengal Presidency it had been enacted that a mortgage by conditional sale should not become foreclosed without the service of a notice through the District Court, and on the expiry of a year of grace. Inferring the policy of the legislature from this Regulation, the Sadr Díwání Adálat refused to give effect to an express power of sale—S. D. A., 1847-554. In the Bombay Presidency, Mr. Justice Melville expressed a doubt whether a private sale of property in the Mufassal, effected by a mortgagee under a power, would be valid—VIII Bombay H. C., A.-C., 143.

"On the other hand, I entertained the opinion, and I believe acted on it before the Transfer of Property Act came into operation, that, in the absence of a prohibition of law, the owner of property was competent to confer on a mortgagee what powers he himself possessed, and that, if a mortgagor having, as owner, authority to sell, created a power of sale in a mortgagee, and the mortgagee duly exercised the power, the Courts were bound to recognize the validity of the sale.

"*In Bhanoomutty Chawdiam* vs. *Premchund Nesgee*, XV B. L. R. 28, property in the Mufassal had been mortgaged by an instrument in the English form containing a power of sale, and subsequently mortgaged to a third party by a conditional sale. The first mortgagee then exercised his power of sale, and subsequently to the sale the second mortgagee took proceedings to foreclose. It was held that the purchaser under the power was entitled to notice of foreclosure, and impliedly that a sale under a power might be valid."

"In this state of the authorities," Sir Charles Turner continues, "it fell to the Law Commission to offer for the acceptance of the legislature a proposal to settle the law. It was felt that, in accordance with the principles of freedom of contract, an owner of property should be at liberty to confer on a mortgagee any of the powers which he could himself exercise, and that a borrower might more readily obtain accommodation, or obtain it on easier terms, if he could offer a security which would be speedily converted by the tender without the delay and the cost of an application to a Court of justice. On the other hand, it was recognized that in this country the large majority of mortgage-securities are created by persons who are poor and illiterate in favour of more sharpwitted creditors, and that, in an agricultural country, landed securities are subject to sudden and excessive variations in value, which are rarely foreseen by borrowers. The Commission came to the conclusion that, while more wealthy borrowers in the country and all borrowers in the presidency-towns might be left to deal with their property as they pleased, it was necessary in the present state of British India to create a legislative safeguard for the poorer classes in the country. They, therefore, proposed that the creation of a power of sale should be declared invalid except in mortgages where the principal money secured exceeded Rs. 500, or in mortgages to the Secretary of State or in mortgages of property in the presidency-towns. In Committee, the section was recast. Instead of declaring that a power of sale conferred by the instrument of mortgage is invalid except in the cases specified, the section, as it now stands, declares that in certain cases it is valid."

Sir Charles Turner adds—

"Unless it be held that the express declaration of the validity of such a power in certain cases is tantamount to a declaration of its invalidity in other cases, which I incline to doubt, the object sought by the Law Commission has not been attained, and the validity of the power in cases other than those specified is still left an open question.

"It may have been desirable that the protection the Law Commission intended to confer in the case of mortgages for small amounts should have been extended to mortgages for somewhat larger sums, but I think it is to be regretted that the amendment should have been effected in such terms as to leave the question doubtful whether any protection is given to mortgages of any class or amount, and I trust advantage may be taken of the opportunity to

re-consider the provisions of the section. It will be seen that the section, as it now stands, affects only—

"(1) parties to an English mortgage, *i.e.*, a mortgage in the English form, who are not Hindús, Muhammadans or Buddhists (an inexact enumeration of the creeds held by natives of India) ;

"(2) parties to a mortgage to the Secretary of State ;

"(3) parties to mortgages of property in the presidency-towns.

"As the section now stands, I do not see any reason for including it in the class of sections for which certain races may be exempted ; I apprehend it was included before it was recast."

14. Section 4 of the Bill accordingly amends section 69 of the Act so as to express clearly what was actually intended, and no power to exempt from the main provisions of the section has been retained; but, as Mr Justice Muthuswami Aiyar has pointed out that there are other classes whom it is even more necessary to exclude from the operation of the exceptional provision in clause (*a*) than Hindús, Muhammadans and Buddhists, words have been added to that clause to provide a power of excluding them.

15. Section 2 of the Bill is intended merely to remove a formal defect in the Act which has been brought to notice in the course of the recent discussions. It was of course never intended that the provisions of the Act which assume the existence of a registration system should take effect in those tracts which are excluded from the operation of the Registration Act ; but the Act omitted to make any express provision to that effect, and that omission is now supplied.

16. The addition which it is proposed to make to section 4 of the Act by section 3 of the Bill has for its object merely to remove a difficulty which has been felt in some quarters as to the bearing which the provisions of the Act relating to registration and the Registration Act have on one another.

The 9th August, 1884.

C. P. ILBERT.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th August, 1884, and was referred to a Select Committee :—

No. 11 OF 1884.

A Bill to facilitate the construction of Telegraphs, and to amend the Indian Telegraph Act, 1876.

WHEREAS it is expedient to give power to place and maintain telegraph lines and posts under, over, along, across, in or upon immoveable property;

And whereas it is also expedient to amend the Indian Telegraph Act, 1876;

It is hereby enacted as follows :—

Preliminary.

1. *(1)* This Act may be called the Indian Telegraph Act, 1884.

Short title, local extent and commencement.

(2) It extends to the whole of British India; and

(3) It shall come into force at once :

Provided that nothing in this Act shall affect any right acquired by the Government or a licensee under section 4 of the Indian Telegraph Act, 1876, or any contract entered into before the passing of this Act.

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

Definitions.

(1) "Telegraph line" means a wire or wires used for the purpose of a telegraph as defined in the Indian Telegraph Act, 1876, with any casing, coating, tube or pipe enclosing the same, and any apparatus connected therewith for that purpose.

(2) "Post" means a post, pole, standard, stay, strut or other above-ground contrivance for carrying, suspending or supporting a telegraph line.

(3) "Telegraph authority" means—

(a) the Director General of Telegraphs or any officer appointed by him in this behalf; and

(b) in respect of any particular matter, any person holding a license from the Governor General in Council under section 4 of the Indian Telegraph Act, 1876, and empowered, by such authority as the Governor General in Council may, from time to time, appoint in this behalf, to discharge the functions of a telegraph authority in respect of that matter. I of 1876.

(4) "Local authority" means any municipal committee, local board, body of port commissioners or other body created for the public benefit and legally entitled to any immoveable property or the control thereof.

Power to place Telegraph Lines and Posts.

3. A telegraph authority may, from time to time, place and maintain a telegraph line under, over, along or across, and posts in or upon, any immoveable property, and repair, alter or remove the same :

Power for telegraph authority to place and maintain, alter and remove a telegraph line and post.

Provided that—

(a) a telegraph authority shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which it places any telegraph line or post; [cf. 26 & 27 Vic., c. 112, s. 6.]

(b) in the exercise of the powers conferred by this section, a telegraph authority shall do as little damage as possible; [cf. 26 & 27 Vic., c. 112, s. 7].

(c) a telegraph authority shall not exercise those powers in respect of any property vested in or under the control of any local authority except with the consent of the local authority;

(d) a telegraph authority shall not exercise those powers in respect of any other property unless it has paid or tendered full compensation to all persons interested for all damage which will be sustained by them by reason or in consequence of the exercise of those powers.

Provisions applicable to Property of Local Authorities.

4. Any consent given by a local authority under section 3 may be given subject to such reasonable conditions as to the payment of any expenses to which it is estimated the local authority will be put in consequence of the exercise of the powers, or as to the time or mode of execution of any work, or as to any other thing [cf. 26 & 27 Vic., c. 112, s. 5 (3).]

Power to local authority to consent under section 3 subject to condition.

connected with or relative to any work, as the local authority giving consent thinks fit to prescribe.

Removal or alteration of telegraph line or post on property of local authority.

5. *(1)* When, under the foregoing provisions of this Act, a telegraph line or post has been placed by a telegraph authority under, over, along, across, in, or upon any property vested in or under the control of a local authority, and the local authority, having regard to circumstances which have arisen since the telegraph line or post was so placed, considers it expedient that it should be removed or altered, the local authority may call upon the telegraph authority to remove or alter it, and, if the telegraph authority refuses or omits to do so, may apply to the Local Government to order its removal or alteration.

(2) A Local Government receiving an application under this section may in its discretion reject the same, or make an order for the removal or alteration of the telegraph line or post, absolutely or subject to such conditions as it thinks fit; and the decision of the Local Government shall be final and conclusive.

Power to alter position of gas or water pipes.

6. A telegraph authority may, for the purpose of exercising the powers conferred upon it by this Act in respect of any property vested in or under the control of a local authority, alter the position thereunder of any pipe (not being a main) for the supply of gas or water:

Provided that—

(*a*) when a telegraph authority desires to alter the position of any such pipe, it shall give reasonable notice of its intention to do so, specifying the time at which it will begin to do so, to the local authority, and, when the pipe is not under the control of the local authority, to the person under whose control the pipe is;

(*b*) a local authority or person receiving notice under clause (*a*) may send a person to superintend the work, and the telegraph authority shall execute the work to the reasonable satisfaction of the person so sent.

Disputes between telegraph authorities and local authorities.

7. If any dispute arises between a telegraph authority and a local authority in consequence of the local authority refusing its consent under section 3 or prescribing any condition under section 4, or otherwise in respect of the exercise of the powers conferred by this Act, it shall be determined by the Local Government, and the decision of the Local Government thereon shall be final and conclusive.

Telegraph line and posts placed before the passing of this Act.

8. A telegraph line or post placed by a telegraph authority before the passing of this Act under, over, along, across, in or upon any property vested in or under the control of a local authority shall be deemed to have been placed in exercise of the powers conferred by this Act.

Provisions applicable to other Property.

Disputes as to compensation under section 3.

9. If any dispute arises concerning the sufficiency of the amount of the compensation paid or tendered under section 3, clause (*d*), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him, and his determination thereof shall be final and conclusive.

Removal or alteration of telegraph line or post on property not belonging to a local authority.

10. *(1)* When, under the foregoing provisions of this Act, a telegraph line or post has been placed by a telegraph authority under, over, along, across, in or upon any property, not being property vested in or under the control of a local authority, and any person entitled to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telegraph line or post should be removed to another part thereof or to a higher or lower level or altered in form, he may tender to the telegraph authority the amount requisite to defray the expense of the removal or alteration and call upon the telegraph authority to remove or alter the line or post accordingly, and, if the telegraph authority refuses or omits to do so, may apply to the District Judge within whose jurisdiction the property is situate to order the removal or alteration.

(2) A District Judge receiving an application under this section may, in his discretion, reject the same or make an order absolutely or subject to conditions for the removal of the telegraph line or post to any other part of the property or to a higher or lower level or for the alteration of its form, and the order so made shall be final and conclusive.

Amendments of the Indian Telegraph Act, 1876.

Amendment of the definition of "telegraph" in Act I of 1876.

11. To the definition of "telegraph" in section 3 of the Indian Telegraph Act, 1876, the following shall be added, namely:— I of 1876.

"and includes any apparatus for transmitting or making telegraphic, telephonic or other communications by means of electricity."

Amendment of section 8, clause (*a*), of same Act.

12. To clause *(a)* of section 8 of the same Act the following shall be added, namely:—

"or of any telegraph established by Government and leased to any person."

Addition to section 8 of same Act.

13. To the same section the following words shall be added, namely:—

"When prescribing rules under clause (*a*) of this section, the Governor General in Council may by the rules impose fines for any breach of the same:

"Provided that the fines so imposed shall not exceed the following limits, namely:—

"*(1)* when the licensee or lessee is punishable for the breach, one thousand rupees, and in the case of a continuing breach a further fine of two hundred rupees for every day after the first during the whole or any part of which the breach continues;

"*(2)* when a servant of the licensee or lessee or any other person is punishable for the breach, one-fourth of those amounts."

STATEMENT OF OBJECTS AND REASONS.

THE main object of this Bill is to give power to the Government, and to any company or person licensed under section 4 of the Indian Telegraph Act, 1876, and specially empowered in this behalf, to place telegraph lines under or over property belonging whether to private persons or to public bodies.

2. The attention of the Government has recently been directed to the fact that, as the law now stands, the Governor General in Council and his licensees have no power to place telegraph lines upon the land of municipal or other similar bodies or of private persons. In England the requisite powers are conferred on the Postmaster General, who works and maintains the telegraphs in that country, by 26 & 27 Vic., cap. 112, as amended by 41 & 42 Vic., cap. 76; and as it seems desirable that the Government in which the exclusive privilege of establishing telegraphs in this country is vested should possess somewhat similar powers, the present Bill has been prepared.

3. Section 3 empowers the Government or any company or person licensed under section 4 of the Indian Telegraph Act, 1876, and specially authorized by a Government officer to place and maintain telegraph lines and posts under, over, along, across, in or upon the property of any "person", which term includes a body corporate. It is considered that licensees should have these powers, because the licenses granted always strictly limit the area of the operations of the licensees, and it would be somewhat anomalous for local bodies and private persons to have the power to neutralize the licenses granted by the Governor General in Council by objecting to the licensees' operations, or by hampering them by the exaction of fees for permission to work under their licenses. The powers thus given are, however, to be exercised so as to do as little damage as possible, and their exercise is moreover made subject to important restrictions and conditions.

4. When the property belongs to a municipal board or other local authority, the powers conferred by the Act cannot be exercised over it without the consent of that authority; and that consent may be given subject to conditions. Among other conditions which can be imposed is one requiring that any expenses to which the local authority may be put by the exercise of the power shall be made good; but it will be observed that no provision is made for the payment of compensation on any other account to a local authority whose property is made use of for this purpose, it being considered that, as the construction of telegraphs is a matter in which the public are interested, no charge should be made for accommodation of this sort when it can be granted without inconvenience to the public or expense to the local authority concerned.

5. It may sometimes happen that, though at the time when a telegraph authority desires to exercise its powers over some property of a local authority there may be no reasonable ground for objecting, and the local authority may thus find itself compelled to consent, a state of things may subsequently arise under which the continued exercise of the powers would be felt as a grave public inconvenience or a cause of serious loss. Land, *e.g.*, which was waste at the time the telegraph line was constructed over it might afterwards be required for some important public object or might acquire great value for building purposes, and, as no compensation (except for actual expenses out of pocket) would have been paid to the local authority at the time the line was constructed, it is but just that provision should be made for the removal or alteration of the line in such an event. This accordingly is done by section 5 of the Bill, which empowers the local authority to call upon the telegraph authority to remove or alter its telegraph or post, and, in the event of the telegraph authority refusing or neglecting to do so, gives an appeal to the Local Government.

6. In the event, which it is believed will be rare, of a local authority arbitrarily refusing its consent to the exercise by a telegraph authority of the powers conferred by the Bill or clogging its consent with unreasonable conditions, it will (section 7) be open to the telegraph authority to appeal to the Local Government, whose decision will be final.

7. Turning now to the case in which it may be desired to exercise the powers given by the Bill over the property of private persons, it will be seen that here provision is made for the payment of full compensation, the amount of which in the event of dispute will (section 9) be determined by the Civil Court, and that, in the event of a person upon whose property a telegraph line or post has been placed desiring subsequently to deal with the property in such a way as would make it necessary or convenient that the line or post should be removed to another part of it or to a higher or lower level or altered in form, he can (section 10) tender the cost of the work and call upon the telegraph authority to remove or alter the line or post, and, if that authority refuses to do so, can appeal to the Civil Court.

8. It may be observed, however, that in practice in this country the power of taking telegraph lines through private property is not likely to be exercised either by the Government or by its licensees except on rare occasions, and then as a rule only to the extent of crossing with the wire, a post being scarcely ever erected on private land. Private property has hitherto been always avoided as much as possible, and it is likely to be still more carefully avoided in future if it is made clear, as it is proposed to do by this Bill, that full compensation will have to be paid for exercising the power over private and not for exercising it over public property.

9. The present opportunity has been taken to make three amendments of the Indian Telegraph Act, 1876, which experience has shown to be desirable. The first has for its object the emendation of the definition of "telegraph" so as to bring it into more exact conformity with the construction put upon the definitions in the English Acts by a recent decision of the High Court of Justice in England.

10. The second is intended to provide for the regulation of telegraph lines constructed by the Government but leased to companies or individuals by whom they are worked. The position of such lines under the Act as it at present stands is far from clear, and the object of the amendment proposed in section 12 of the Bill is to put them on much the same footing as licensed lines.

11. The object of the third amendment, which is made by section 13 of the Bill, is to prescribe penalties for the breach of the rules made under section 8 of the Act for the conduct of telegraphs worked under license or lease. In such cases, as the Act now stands, the only remedy is to revoke the license or lease, but this course would in most cases cause such great public inconvenience that it is impracticable. The result is that at present there is virtually no penalty for the infringement of the rules made under section 8 of the Act. To remedy this state of things, the Bill adds a clause to that section empowering the Governor General in Council to prescribe by the rules moderate fines for the breach of them.

The 12th August, 1884.

T. C. HOPE.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Report of the Select Committee on the Bill to make better provision for the organization and administration of Municipalities in the Panjáb was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August, 1884:—

WE, the undersigned Members of the Select Committee to which the Bill to make better provision for the organization and administration of Municipalities in the Panjáb was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Government, Panjáb, No. 211, dated 10th April, 1884, and enclosures [Papers No. 1].
From E. vs. Cullin, Esq., dated 27th April, 1884, and enclosure [Papers No. 2].
From Officiating Secretary to Government, Panjáb, No. 688., dated 16th May, 1884, and enclosures [Papers No. 3].
From Officiating Secretary to Government, Panjáb, No. 748., dated 16th May, 1884, and enclosure [Papers No. 4].
From Officiating Secretary to Government, Panjáb, No. 798., dated 21st May, 1884, and enclosure [Papers No. 5].
From Officiating Secretary to Government, Panjáb, No. 888., dated 27th May, 1884, and enclosures [Papers No. 6].
From Officiating Secretary to Government, Panjáb, No. 948., dated 29th May, 1884, and enclosures [Papers No. 7].
From Officiating Secretary to Government, Panjáb, No. 1218., dated 9th June, 1884, and enclosures [Papers No. 8].
Extract from the *Tribune* of 11th June, 1884 [Papers No. 9].

2. Instead of repealing the Panjáb Municipal Act, 1873, and bringing the new law into force at once, as was proposed in the Bill as introduced, we have thought it better (section 4 of the amended Bill) to require the Local Government to apply the new law to any place to which that Act had been extended, unless the Local Government comes to the conclusion, and declares by notification in the official Gazette, that the provisions of the Act are not suited to any such place. The Local Government is at the same time empowered to continue in office the members of the present committees as if they had been elected or appointed under the new law for any term not exceeding three years which it may fix. When the new law is thus made applicable to any place to which the Act of 1873 had been extended, that Act will cease to apply, and other consequences will follow, which are set forth in section 12. In the Supplemental chapter, the Local Government is further empowered to withdraw the area of any municipality from the operation either of Act IV of 1873 or of the new law, if the latter has been made applicable. The Local Government will thus be enabled to abolish any municipality constituted under Act IV of 1873, if it appears undesirable to continue municipal institutions in the area under its control.

3. The provisions as to the term of office of members, the removal of members and the filling up of casual vacancies in the committee have been assimilated, as nearly as possible, to the corresponding provisions in the District Boards Act.

4. On the recommendation of the Local Government, we have by section 14 empowered the Commissioner of a division to approve of the election of a president by a second class committee, and to appoint the president of a committee of this class where the committee is not empowered to elect, or fails or does not desire to exercise the power.

5. The provision in section 25 enabling the president or, in his absence, a vice-president to exercise the powers of the committee in cases of emergency has been limited to the power, at the cost of the municipality, to direct the execution of any work or the doing of any act which he considers necessary for the service or safety of the public; and, when he exercises this power, he is required to report his proceedings to the next following meeting of the committee. Where the case is sufficiently provided for by the rules of business under section 24, as to the exercise of the executive authority of the committee, the extraordinary powers given by section 25 of course will not arise, as there would not then be a case of emergency.

6. In section 27 we have provided that nothing done under the Act should be questioned on account of the existence of a vacancy in a committee or joint committee or of any merely formal defect.

7. We have not retained the provision of the Bill as introduced requiring the sanction of the Commissioner of the division to the removal of a paid secretary, and his sanction to the appointment is confined (section 28) to the appointment of a paid secretary and to

the rate of pay to be allowed, and does not extend to approval of the person selected. The responsibility for appointing a proper person will thus rest exclusively with the committee. In cases, however, in which Government officers were employed in the service of a municipality before the passing of this Bill into law, section 12 provides for their remaining in the service of the new committee, and prohibits their dismissal unless under the sanction of the Local Government.

8. The employment of other officers and servants (when there is available budget provision) is made subject only (section 29) to what is necessary and proper for the efficient execution of the duties of the committee, and to any rules which the Local Government may make as to the employment of persons appointed to offices requiring professional skill; but power is given to the Commissioner of the division, subject to an appeal by the committee to the Local Government (section 30), to require the reduction of excessively large or expensive establishments or of unduly high rates of pay.

9. We have raised the limit of the power of first class committees (section 33) to delegate the authority to enter into contracts on their behalf to 500 rupees, and have required all contracts for larger amounts on behalf of any committee to be sanctioned at a meeting of the committee before they can be entered into. It has been suggested that separate provision is required for contracts which do not fix the quantity of work to be done, but only the rate to be paid per unit of work; but we are of opinion that these contracts can be brought within this section by fixing a maximum limit, not exceeding five hundred rupees, on the sum which may become payable under them.

10. In section 34 the limit of value above which contracts are required to be in writing has been increased from Rs. 20 to Rs. 100 in the case of first class committees, and Rs. 50 in the case of second class committees.

11. The prohibition in section 35 of members, officers or servants of the committee being interested in contracts with the committee, unless with the Commissioner's permission, has been assimilated to section 62 of the District Boards Act.

12. Section 36, which takes the place of section 99 of the Bill as introduced, has been modified so as to require notice to be given of all suits against committees, or against their officers for their official acts; the sub-sections as to limitation and as to tender of amends being omitted as unnecessary. The protection thus given corresponds with that given to Government and to public officers by section 424 of the Civil Procedure Code, except that the notice required is shorter.

13. In the Taxation chapter the taxes which committees are empowered to propose for the general purposes of the Act are brought together in section 39, a higher rate of tax on buildings and lands being allowed in certain scheduled municipalities, all of which are hill-stations, than that which is fixed as the maximum elsewhere.

14. In the second sub-section of section 39 we have defined the expression "annual value" as meaning the gross annual rent for which buildings or lands might reasonably be expected to let, and we have omitted the first proviso, as, though it has been the practice in hill-stations to let houses furnished, the furniture supplied is ordinarily of small value; and as most of us are of opinion that the rent to be considered in estimating the annual value is the sum for which they would let if unfurnished, we have added words making this clear.

15. Special powers are also given to impose a scavenging-tax and a water-tax as payment for services rendered to the occupiers of any buildings or land or for the construction and maintenance of works for the supply of water from which such occupiers may benefit. No special power has been thought necessary to enable committees to charge fees for the use of schools or other public institutions maintained by them, as they may impose any conditions they may think proper upon persons who wish to avail themselves of the benefit of such institutions.

16. We have modified the procedure for imposing and assessing taxes (section 42) by providing that new taxes leviable by the year should not come into force except at the commencement of the year, and other new taxes until at least six months have elapsed from the date of the meeting at which, after the requisite sanction has been obtained, their imposition is directed.

17. We have enabled the Local Government (section 45), where any tax appears unfair in its incidence or injurious to the interests of the public, to require the committee to take the necessary measures to remove the objection and, if it fails to comply with the requisition, to suspend the levy of the tax.

18. We have (section 49) given an appeal against assessments, on account of octroi, as in the case of other taxes, and we have also enabled officers hearing appeals against assessments, if they entertain reasonable doubt on any question as to the liability to, or principle of, the assessment, to state a case for the decision of the Chief Court.

19. We have (section 52) saved taxes leviable under the Municipal Act now in force so far as they are consistent with, and within the powers conferred by, the new law.

20. We have in section 59 conferred upon the committee a power to remit a tax on buildings on certain equitable grounds.

21. We have made taxes on buildings and lands, other than the scavenging-tax and the water-tax, payable by the owner and also a charge upon the property, and have therefore found it unnecessary to make them recoverable from the occupier if not paid by the owner after notice.

22. We have added a section (62) giving power to inspect the contents of a conveyance or package to ascertain whether octroi is payable by having it brought before a Magistrate for the purpose, if the person bringing or receiving it within the municipality refuses to allow the necessary inspection, and have in other respects amended the provisions of the Bill as introduced on the subject of the recovery of octroi.

23. The provisions of the Bill on the subject of the municipal fund and of municipal property have been brought together in a new chapter (Chapter IV). In this chapter we have provided (section 68) for prior charges on the municipal fund for loans, establishment-charges and payments for maintenance of pauper-lunatics, audit of accounts, and services rendered to the committee by Provincial Departments of Government, and have empowered the Local Government to make rules with respect to the relative priority to be given to the other duties of the committee. We have also (section 71) declared certain descriptions of property held for municipal purposes to vest in the committee, and have (section 72) introduced a clause, based on a somewhat similar provision of the Bombay Municipal Act, providing that the administration of every public institution maintained out of municipal funds shall vest in the committee, but that the extent of the independent authority of the committee may be prescribed by the Local Government.

24. The sections relating to municipal police have also been collected in a separate chapter (Chapter V). We have added a section (78) defining the powers and duties of the police in respect of offences against the Act or rules made thereunder. By this section they are empowered to arrest persons committing such offences when necessary, and are required to give immediate information of the commission of such offences to the committee, and to assist members or officers of the committee in the exercise of their lawful authority.

25. Another new chapter (Chapter VI) sets forth the powers of the committee to do, or to require others to do, or to abstain from doing, particular acts. This and the following chapter, which deals with offences affecting the public health, safety or convenience, take the place of the powers to make rules for the prevention of nuisances, and for entry on private property for the detection and abatement of nuisances, given by section 67 of the Bill as introduced, and of the powers to issue injunctions and make conditional orders as to nuisances given by sections 68 to 70, and this chapter also embodies the additional powers to make rules and other powers expressly given by the Bill as introduced.

26. In framing these sections, the existing bye-laws of the principal municipalities, and the detailed Municipal Acts in force in other provinces of British India, have been referred to, and we have endeavoured to give all the powers not elsewhere given in the Bill which it appears to be necessary or proper that Panjáb municipalities should possess. While there may be municipalities in which some of these powers are not required, these municipalities can be excepted by the Local Government under one of the provisions contained in the Supplemental chapter from the sections giving the powers which the circumstances of the municipality render unnecessary.

27. Instead of enabling committees to make rules regulating for sanitary reasons the crops which may be grown within municipal limits, we have, by section 116, empowered the Local Government to prohibit by notification the cultivation of any crop, the use of any manure or the irrigation of land in any manner, which is reported by the Sanitary Commissioner to be injurious to health, or to impose such conditions thereupon as may remove the risk of injury, and have provided for compensation where the practice prohibited was of long standing.

28. In section 117, which relates to the regulation of offensive or dangerous trades, and corresponds with section 74 of the Bill as introduced, we have omitted manufactories of gunpowder or fireworks, which can now be regulated by rules made by the Local Government under the Explosives Act, IV of 1884, and shops for smoking opium, as these must be licensed under the Opium Act, and the Local Government may, if it thinks proper, instruct Deputy Commissioners to consult municipalities before granting a license under that Act.

29. In section 119 we have extended the power given by the Bill as introduced to make rules for the inspection and proper regulation of lodging-houses to houses occupied by members of more than one family, and have stated in greater detail the subjects with which such rules may deal. This power, with that given in section 115, to prohibit the use for human habitation of houses unfit to be so used, will enable committees to exercise more effective control than hitherto over the arrangements for the accommodation of human beings where this appears necessary for the preservation of the public health, and will, it is believed, be of special importance, not only in hill-stations, but in places the population of which is liable to be largely increased at particular seasons by the resort of pilgrims or the holding of large fairs.

30. Chapter VII provides for the punishment of certain offences affecting the public health, safety and convenience and of disobedience to orders given by the committee under the powers conferred by the preceding chapter.

31. In Chapter VIII, which deals with control, the changes made have been in the direction of assimilation with the provisions of the Panjáb District Boards Act. We have also revised the list of subjects on which the Local Government is empowered to make rules.

32. In the Supplemental chapter (Chapter IX) we have added provisions that copies of rules should be kept by committees available for inspection and for sale to the public (section 160); that rules or bye-laws made under the Panjáb Municipal Act, 1873, should, so far as consistent with, and within the powers conferred by, this Bill, continue in force until repealed by new rules, which the proper authority is required to make and take the necessary steps for bringing into force so soon as may be (section 161); and we have included provisions for altering the boundaries of municipalities or the class to which they belong (sections 165 to 169), for excepting them from the operation of such parts of the Bill as are not suited to their circumstances (section 170), and for withdrawing them from the operation of the law relating to municipalities (section 171).

33. A special section applicable only to Simla (section 177) has also been added to save the land-tax which has been substituted for the ground-rent formerly charged by Government, and which is levied concurrently with a tax on the annual value of property.

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

In English.

Gazette.			*Date.*
Gazette of India	...	...	2nd, 9th and 16th June, 1883.
Panjáb Government Gazette	...	...	7th, 14th and 21st June, 1883.

In the Vernaculars.

Province.	*Language.*	*Date.*
Panjáb	... Urdu	... 2nd, 9th and 16th July, 1883.

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

D. G. BARKLEY.
J. GIBBS.
C. P. ILBERT.
T. C. HOPE.

I HAVE not signed this Report, as, though originally appointed a Member of the Select Committee, I was unable to be present at any of the meetings.

J. W. QUINTON.

The 5th August, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th August, 1884, and was referred to a Select Committee:—

No. 12 OF 1884.

A Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma.

WHEREAS it is expedient to provide more effectually for the suppression of certain forms of gaming in British Burma; It is hereby enacted as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Burma Gaming Act, 1884.

(2) It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force at once.

Game of *ti* and like games to be deemed lotteries.

2. The game known as "*ti*," and every other game or pretended game of a like nature, shall be deemed a lottery within the meaning of section 294A of the Indian Penal Code.

XLV of 1860.

Application of Act III of 1867 to game of *ti* and like games.

3. *(1)* Taking part in the game of "*ti*," or in any other game or pretended game of a like nature, shall also be deemed gaming within the meaning of Act III of 1867.

(2) Every house, walled enclosure, room or other place, whether public or private, where any such game or pretended game is carried on, shall, for the purposes of that Act, be deemed a common gaming-house, and all expressions referring to the use of any such place as a common gaming-house shall include the use thereof for any such game or pretended game on a single occasion.

(3) All boxes, receptacles, lists, papers, tickets and forms used for the purpose of any such game or pretended game shall be deemed instruments of gaming within the meaning of the said Act.

Penalty on conducting game of *ti* and like games.

4. Whoever conducts or assists in conducting the game of "*ti*," or any other game or pretended game of a like nature, as manager, stakeholder or *daing*, or who is according to the rules of the game or pretended game entitled to receive the surplus proceeds, or any part of the surplus proceeds, of the stakes, after deducting the amount payable to the successful player or players, shall be punished with imprisonment for a term which may for a first offence extend to six months, and for a subsequent offence to two years, or with fine, or with both.

Power to extend local application of Act III of 1867 within British Burma.

5. *(1)* The Chief Commissioner may, from time to time, by notification published in the official Gazette, extend to the whole or any part of the territories for the time being under his administration any such of the provisions of Act III of 1867 as do not for the time being extend thereto. [See Act III of 1867, ss. 1 and 2.]

(2) From the date of any such extension so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with or repugnant to any provision so extended shall cease to have effect in those territories.

Power to demand security.

6. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or, when he is specially empowered in this behalf by the Local Government, a Magistrate of the first class receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by carrying on, or assisting in carrying on, the game of *ti*, or any other game or pretended game of a like nature, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code of Criminal Procedure; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise. [See C. C. P., s. 110.]

X of 1882. [Act X of 1882, s. 117.]

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide more effectually for the suppression of certain forms of gaming in British Burma.

2. It has long been the opinion of the most experienced District and Police Officers that the systematic gambling originally introduced by the low class Chinese who infest the towns and villages, and now carried on by them and by Burmans of a similar stamp, is doing great injury to the people of that province. In 1882, on the representation of the Inspector-General of Police of the prevalence of *tis* and of the inadequacy of the law to repress them effectually, the matter was taken up by the Chief Commissioner, who by a Resolution directed Commissioners to obtain an expression of public opinion on the question. With the Resolution were circulated various papers bearing on the subject, including a Bill for the suppression of unlawful gaming which was before the legislature of the Straits Settlements. Special inquiry was made as to whether the people of Burma desired, and were prepared to accept, a stringent gaming law similar to that Bill.

3. The answers showed clearly that the Burmans as a body regarded the prevalence of gambling, especially as practised in the *ti*,* as a very great evil. Government officers were almost equally strong in their denunciations of these *tis*. With a few exceptions the opinions received were in favour of suppressing this and other forms of public gaming, and the Bill proposed for the Straits Settlements was accepted as a guide to the direction which legislation should take.

4. The history of the means which the Courts have hitherto used to check the opening of *tis* is briefly as follows. For some years after the passing of Act III of 1867 it was held that a *ti* was a form of gaming, and that the lists and papers used in the *ti* were instruments of gaming, within the meaning of that Act. This view was confirmed by the High Court of Calcutta in 1869. In 1876 Mr. Wilkinson and Mr. Quinton, as Judges of the Special Court of British Burma, held that *tis* were lotteries, and that, since the enactment of section 294A of the Indian Penal Code, lotteries were punishable under that section and not under Act III of 1867. It is not clear what effect the learned Judges of the Special Court gave to section 15 of Act XXVII of 1870, the Act by which section 294A of the Indian Penal Code was enacted. However, since the date of this judgment, the prosecution of the promoters of *tis* under Act III of 1867 may be said to have ceased; *tis* have been regarded as lotteries and the persons concerned in them have been prosecuted under section 294A of the Indian Penal Code; and until lately no doubt of the applicability of that section to this particular kind of gambling has arisen.

5. Two recent rulings of the Judicial Commissioner have presented a different view of the law. In the first of the cases in question the accused had been convicted by the Magistrate, under section 13 of Act III of 1867, as having been engaged in a *ti* in a *zayat* or public rest-house beside a public road. The Judicial Commissioner called for the proceedings, and, having come to the conclusion that a *ti* was not a game of chance and was mere betting or wagering, he referred the matter to the Special Court. The Officiating Recorder, Mr. Allen, dissented from the Judicial Commissioner's opinion, and held that the conviction was right. Under the constitution of the Special Court the opinion of the referring Judge prevails. The Judicial Commissioner accordingly issued a circular in which his own view of the law is enjoined on the Courts subordinate to him,—in other words, on all Courts outside the jurisdiction of the Recorder of Rangoon,—and in which he lays down the doctrine that a *ti* is not a game nor a lottery, and that the papers used in collecting the money of the persons who take part in the *ti* are wrongly described as lottery-tickets. In the second of these cases the accused had been convicted by the Magistrate at Rangoon under section 294A of the Penal Code of keeping a lottery-office. On appeal to the Officiating Recorder, that officer referred the question of whether a *ti* is a lottery to the Special Court. The Judicial Commissioner held that it was not; the Officiating Recorder that it was. In this case also the opinion of the referring Judge prevailed. The Judicial Commissioner, however, has informed the Courts subordinate to him that his own view of the law is to be their guide. There are thus two contradictory judgments of the Special Court, and two diverse rules of law established for different parts of the province, each Judge holding to his own individual opinion.

6. The object of the present Bill is to obviate the effect of the judgments and circulars of the Judicial Commissioner above referred to, which bar all prosecutions for *ti*-gaming, and the effect of which has already been to give a fresh impetus to that kind of gambling.

It has not been thought expedient to copy the measure proposed by the Government of the Straits Settlements. The draft Ordinance is a very complicated piece of legislation, very stringent in its provisions, and very likely, unless worked under closer supervision than can be given to it in Burma, to become an engine of oppression. Moreover, it does not seem either necessary or desirable to endeavour to check gambling of every kind. A people like the Burmese

* The nature of the game or lottery or series of bets called *ti* is as follows:—The banker, or professional gambler, who makes his living by the game, chooses one of 36 animals and deposits a piece of paper on which its name is written in a hollow bamboo or box. Then his emissaries go round asking people to name the animal so chosen and to back their guess by putting down their money. Any one who guesses rightly gets thirty times his stake; the others lose.

must have amusement of some sort. It is quite possible to make gambling an expensive amusement, but to stop it altogether, if the people wish to indulge in it, is beyond the power of the law, and the attempt to do it would probably only result in systematic bribery and the corruption of the police. What appears to be chiefly needed is the repression of the professional *ti*-gambler, the man who makes his living by going about inducing people to game and as often as not swindling them out of their money. The urgent requisite is a law which will enable the authorities to deal with professional gamblers, and all who aid and abet them, with prompt severity, wherever they may be found. For other purposes the Act of 1867 appears to be sufficient, nor does the extension of all its provisions to the province generally appear even to be necessary.

7. The present Bill has, therefore, been framed so as to deal particularly with *ti*-gaming, for which fresh legislation is urgently required.

Section 2 removes the doubt which has been felt as to the construction of section 294A of the Penal Code, by declaring the game of "*ti*" and other like games to be "lotteries" within the meaning of that section.

Section 3 similarly removes the doubt which has been felt as to the construction of Act III of 1867, by declaring that taking part in the game of "*ti*" and other like games shall be deemed to be "gaming" within the meaning of that Act. It also contains other provisions the chief effect of which will be to make it an offence to take part in such games in a private as well as in a public place.

The penalties imposed by section 4 on those who, as managers, *daings*, &c., conduct or assist in conducting such games have been advisedly made severe. Experience has shown that nothing but great severity of punishment will suffice to check this profitable form of gambling.

Section 6 of the Bill gives power to the Courts to demand security from persons who notoriously earn their living, or part of their living, by gaming of this description. The necessity for this provision arises to some extent from the fact that gambling of the kind which it is the object of the proposed enactment to suppress has been held to be an ostensible means of subsistence within the meaning of the Code of Criminal Procedure.

If this Bill becomes law, the powers in the hands of the authorities for the suppression of gambling will, it is believed, be sufficient and will at the same time be such as to secure, it may be confidently hoped, the desired results without risk of oppression.

The 20th August, 1884.

C. P. ILBERT.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 13, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the **27th August, 1884, and was referred to a Select Committee:—**

No. 12 OF 1884.

A Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma.

WHEREAS it is expedient to provide more effectually for the suppression of certain forms of gaming in British Burma; It is hereby enacted as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Burma Gaming Act, 1884.

(2) It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force at once.

Game of *ti* and like games to be deemed lotteries.

2. The game known as "*ti*," and every other game or pretended game of a like nature, shall be deemed a lottery within the meaning of section 294A of the Indian Penal Code.

XLV of 1860.

Application of Act III of 1867 to game of *ti* and like games.

3. *(1)* Taking part in the game of "*ti*," or in any other game or pretended game of a like nature, shall also be deemed gaming within the meaning of Act III of 1867.

(2) Every house, walled enclosure, room or other place, whether public or private, where any such game or pretended game is carried on, shall, for the purposes of that Act, be deemed a common gaming-house, and all expressions referring to the use of any such place as a common gaming-house shall include the use thereof for any such game or pretended game on a single occasion.

(3) All boxes, receptacles, lists, papers, tickets and forms used for the purpose of any such game or pretended game shall be deemed instruments of gaming within the meaning of the said Act.

Penalty on conducting game of *ti* and like games.

4. Whoever conducts or assists in conducting the game of "*ti*," or any other game or pretended game of a like nature, as manager, stakeholder or *daing*, or who is according to the rules of the game or pretended game entitled to receive the surplus proceeds, or any part of the surplus proceeds, of the stakes, after deducting the amount payable to the successful player or players, shall be punished with imprisonment for a term which may for a first offence extend to six months, and for a subsequent offence to two years, or with fine, or with both.

Power to extend local application of Act III of 1867 within British Burma.

[See Act III of 1867, ss. 1 and 2.]

5. *(1)* The Chief Commissioner may, from time to time, by notification published in the official Gazette, extend to the whole or any part of the territories for the time being under his administration any such of the provisions of Act III of 1867 as do not for the time being extend thereto.

(2) From the date of any such extension so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with or repugnant to any provision so extended shall cease to have effect in those territories.

Power to demand security.

[See C. C. P., s. 110.]

6. Whenever a Presidency Magistrate, District Magistrate, Sub-divisional Magistrate or, when he is specially empowered in this behalf by the Local Government, a Magistrate of the first class receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by carrying on, or assisting in carrying on, the game of *ti*, or any other game or pretended game of a like nature, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code of Criminal Procedure; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise.

X of 1882. [Act X of 1882, s. 117.]

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide more effectually for the suppression of certain forms of gaming in British Burma.

2. It has long been the opinion of the most experienced District and Police Officers that the systematic gambling originally introduced by the low class Chinese who infest the towns and villages, and now carried on by them and by Burmans of a similar stamp, is doing great injury to the people of that province. In 1882, on the representation of the Inspector-General of Police of the prevalence of *tis* and of the inadequacy of the law to repress them effectually, the matter was taken up by the Chief Commissioner, who by a Resolution directed Commissioners to obtain an expression of public opinion on the question. With the Resolution were circulated various papers bearing on the subject, including a Bill for the suppression of unlawful gaming which was before the legislature of the Straits Settlements. Special inquiry was made as to whether the people of Burma desired, and were prepared to accept, a stringent gaming law similar to that Bill.

3. The answers showed clearly that the Burmans as a body regarded the prevalence of gambling, especially as practised in the *ti*,* as a very great evil. Government officers were almost equally strong in their denunciations of these *tis*. With a few exceptions the opinions received were in favour of suppressing this and other forms of public gaming, and the Bill proposed for the Straits Settlements was accepted as a guide to the direction which legislation should take.

4. The history of the means which the Courts have hitherto used to check the opening of *tis* is briefly as follows. For some years after the passing of Act III of 1867 it was held that a *ti* was a form of gaming, and that the lists and papers used in the *ti* were instruments of gaming, within the meaning of that Act. This view was confirmed by the High Court of Calcutta in 1869. In 1876 Mr. Wilkinson and Mr. Quinton, as Judges of the Special Court of British Burma, held that *tis* were lotteries, and that, since the enactment of section 294A of the Indian Penal Code, lotteries were punishable under that section and not under Act III of 1867. It is not clear what effect the learned Judges of the Special Court gave to section 15 of Act XXVII of 1870, the Act by which section 294A of the Indian Penal Code was enacted. However, since the date of this judgment, the prosecution of the promoters of *tis* under Act III of 1867 may be said to have ceased; *tis* have been regarded as lotteries and the persons concerned in them have been prosecuted under section 294A of the Indian Penal Code; and until lately no doubt of the applicability of that section to this particular kind of gambling has arisen.

5. Two recent rulings of the Judicial Commissioner have presented a different view of the law. In the first of the cases in question the accused had been convicted by the Magistrate, under section 13 of Act III of 1867, as having been engaged in a *ti* in a *zayat* or public rest-house beside a public road. The Judicial Commissioner called for the proceedings, and, having come to the conclusion that a *ti* was not a game of chance and was mere betting or wagering, he referred the matter to the Special Court. The Officiating Recorder, Mr. Allen, dissented from the Judicial Commissioner's opinion, and held that the conviction was right. Under the constitution of the Special Court the opinion of the referring Judge prevails. The Judicial Commissioner accordingly issued a circular in which his own view of the law is enjoined on the Courts subordinate to him,—in other words, on all Courts outside the jurisdiction of the Recorder of Rangoon,—and in which he lays down the doctrine that a *ti* is not a game nor a lottery, and that the papers used in collecting the money of the persons who take part in the *ti* are wrongly described as lottery-tickets. In the second of these cases the accused had been convicted by the Magistrate at Rangoon under section 294A of the Penal Code of keeping a lottery-office. On appeal to the Officiating Recorder, that officer referred the question of whether a *ti* is a lottery to the Special Court. The Judicial Commissioner held that it was not; the Officiating Recorder that it was. In this case also the opinion of the referring Judge prevailed. The Judicial Commissioner, however, has informed the Courts subordinate to him that his own view of the law is to be their guide. There are thus two contradictory judgments of the Special Court, and two diverse rules of law established for different parts of the province, each Judge holding to his own individual opinion.

6. The object of the present Bill is to obviate the effect of the judgments and circulars of the Judicial Commissioner above referred to, which bar all prosecutions for *ti*-gaming, and the effect of which has already been to give a fresh impetus to that kind of gambling.

It has not been thought expedient to copy the measure proposed by the Government of the Straits Settlements. The draft Ordinance is a very complicated piece of legislation, very stringent in its provisions, and very likely, unless worked under closer supervision than can be given to it in Burma, to become an engine of oppression. Moreover, it does not seem either necessary or desirable to endeavour to check gambling of every kind. A people like the Burmese

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must have amusement of some sort. It is quite possible to make gambling an expensive amusement, but to stop it altogether, if the people wish to indulge in it, is beyond the power of the law, and the attempt to do it would probably only result in systematic bribery and the corruption of the police. What appears to be chiefly needed is the repression of the professional *ti*-gambler, the man who makes his living by going about inducing people to game and as often as not swindling them out of their money. The urgent requisite is a law which will enable the authorities to deal with professional gamblers, and all who aid and abet them, with prompt severity, wherever they may be found. For other purposes the Act of 1867 appears to be sufficient, nor does the extension of all its provisions to the province generally appear even to be necessary.

7. The present Bill has, therefore, been framed so as to deal particularly with *ti*-gaming, for which fresh legislation is urgently required.

Section 2 removes the doubt which has been felt as to the construction of section 294A of the Penal Code, by declaring the game of "*ti*" and other like games to be "lotteries" within the meaning of that section.

Section 3 similarly removes the doubt which has been felt as to the construction of Act III of 1867, by declaring that taking part in the game of "*ti*" and other like games shall be deemed to be "gaming" within the meaning of that Act. It also contains other provisions the chief effect of which will be to make it an offence to take part in such games in a private as well as in a public place.

The penalties imposed by section 4 on those who, as managers, *daings*, &c., conduct or assist in conducting such games have been advisedly made severe. Experience has shown that nothing but great severity of punishment will suffice to check this profitable form of gambling.

Section 6 of the Bill gives power to the Courts to demand security from persons who notoriously earn their living, or part of their living, by gaming of this description. The necessity for this provision arises to some extent from the fact that gambling of the kind which it is the object of the proposed enactment to suppress has been held to be an ostensible means of subsistence within the meaning of the Code of Criminal Procedure.

If this Bill becomes law, the powers in the hands of the authorities for the suppression of gambling will, it is believed, be sufficient and will at the same time be such as to secure, it may be confidently hoped, the desired results without risk of oppression.

The 20th August, 1884.

C. P. ILBERT.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1884, and was referred to a Select Committee:—

No. 13 OF 1884.

A Bill to amend the Burma Steam-boilers and Prime-movers Act, 1882.

WHEREAS it is expedient to amend the Burma Steam-boilers and Prime-movers Act, 1882; It is hereby enacted as follows: XVIII of 1882.

1. This Act may be called the Burma Steam-boilers and Prime-movers Act, 1884; and it shall come into force at once. Short title and commencement.

2. In section 4 of the Burma Steam-boilers and Prime-movers Act, 1882, after the words "first or second class" the words "or as engine-drivers" shall be added. Amendment of section 4 of Act XVIII of 1882. XVIII of 1882.

3. In section 5, sub-section (2), section 8, clause (*b*), and section 11, clause (*b*), of the said Act, after the word "engineer" the words "or in the case of a boiler or prime-mover attached to an engine of not more than twenty horse-power of an engineer or engine-driver" shall be inserted. Amendment of sections 5, 8 and 11 of same Act.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the Burma Steam-boilers and Prime-movers Act, 1882, in such a manner as to provide for the grant of certificates to engine-drivers, authorizing them to take charge of boilers and prime-movers attached to engines of not more than twenty horse-power. Under the Act as it at present stands, certificates can be granted to engineers of the first and second classes only, and all boilers and prime-movers must be in charge of engineers of one or other of these classes. The Board of Examiners appointed under the Act have recently represented to the Chief Commissioner that these provisions cause unnecessary hardship to a class of Native drivers who can be trusted to manage, and actually do manage, small engines. It would be misleading to give these men engineers' certificates of any class, inasmuch as they are in no sense engineers. On the other hand, it is only fair to them and the small millowners who employ them that they should be eligible for some sort of certificate and be permitted to take charge of boilers and prime-movers attached to engines of low horse-power. Under these circumstances, the Board suggest that the Act should be amended in such a way as to authorize the grant to such persons, when found competent, of engine-drivers' certificates, which will empower them to take charge of boilers and prime-movers attached to engines of not more than twenty horse-power, and they point out that there is a precedent for the grant of such certificates in the Inland Steam-vessels Act, 1884, sections 28 and 29. In order to carry out these suggestions, which are supported by the Chief Commissioner, the present Bill, which makes the necessary amendments in the Burma Steam-boilers and Prime-movers Act, 1882, has been prepared.

The 28th August, 1884.

C. P. ILBERT.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 20, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1884, and was referred to a Select Committee:—

No. 13 OF 1884.

A Bill to amend the Burma Steam-boilers and Prime-movers Act, 1882.

WHEREAS it is expedient to amend the Burma Steam-boilers and Prime-movers Act, 1882; It is hereby enacted as follows:

XVIII of 1882.

1. This Act may be called the Burma Steam-boilers and Prime-movers Act, 1884; and it shall come into force at once.

Short title and commencement.

2. In section 4 of the Burma Steam-boilers and Prime-movers Act, 1882, after the words "first or second class" the words "or as engine-drivers" shall be added.

Amendment of section 4 of Act XVIII of 1882.

XVIII of 1882.

3. In section 5, sub-section (2), section 8, clause (*b*), and section 11, clause (*b*), of the said Act, after the word "engineer" the words "or in the case of a boiler or prime-mover attached to an engine of not more than twenty horse-power of an engineer or engine-driver" shall be inserted.

Amendment of sections 5, 8 and 11 of same Act.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the Burma Steam-boilers and Prime-movers Act, 1882, in such a manner as to provide for the grant of certificates to engine-drivers, authorizing them to take charge of boilers and prime-movers attached to engines of not more than twenty horse-power. Under the Act as it at present stands, certificates can be granted to engineers of the first and second classes only, and all boilers and prime-movers must be in charge of engineers of one or other of these classes. The Board of Examiners appointed under the Act have recently represented to the Chief Commissioner that these provisions cause unnecessary hardship to a class of Native drivers who can be trusted to manage, and actually do manage, small engines. It would be misleading to give these men engineers' certificates of any class, inasmuch as they are in no sense engineers. On the other hand, it is only fair to them and the small millowners who employ them that they should be eligible for some sort of certificate and be permitted to take charge of boilers and prime-movers attached to engines of low horse-power. Under these circumstances, the Board suggest that the Act should be amended in such a way as to authorize the grant to such persons, when found competent, of engine-drivers' certificates, which will empower them to take charge of boilers and prime-movers attached to engines of not more than twenty horse-power, and they point out that there is a precedent for the grant of such certificates in the Inland Steam-vessels Act, 1884, sections 28 and 29. In order to carry out these suggestions, which are supported by the Chief Commissioner, the present Bill, which makes the necessary amendments in the Burma Steam-boilers and Prime-movers Act, 1882, has been prepared.

The 28th August, 1884.

C. P. ILBERT.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 27, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th September, 1884, and was referred to a Select Committee :—

No. 13 OF 1884.

A Bill to amend the Burma Steam-boilers and Prime-movers Act, 1882.

WHEREAS it is expedient to amend the Burma Steam-boilers and Prime-movers Act, 1882; It is hereby enacted as follows :

XVIII of 1882.

1. This Act may be called the Burma Steam-boilers and Prime-movers Act, 1884; and it shall come into force at once.

Short title and commencement.

2. In section 4 of the Burma Steam-boilers and Prime-movers Act, 1882, after the words "first or second class" the words "or as engine-drivers" shall be added.

Amendment of section 4 of Act XVIII of 1882.

XVIII of 1882.

3. In section 5, sub-section (2), section 8, clause (*b*), and section 11, clause (*b*), of the said Act, after the word "engineer" the words "or in the case of a boiler or prime-mover attached to an engine of not more than twenty horse-power of an engineer or engine-driver" shall be inserted.

Amendment of sections 5, 8 and 11 of same Act.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the Burma Steam-boilers and Prime-movers Act, 1882, in such a manner as to provide for the grant of certificates to engine-drivers, authorizing them to take charge of boilers and prime-movers attached to engines of not more than twenty horse-power. Under the Act as it at present stands, certificates can be granted to engineers of the first and second classes only, and all boilers and prime-movers must be in charge of engineers of one or other of these classes. The Board of Examiners appointed under the Act have recently represented to the Chief Commissioner that these provisions cause unnecessary hardship to a class of Native drivers who can be trusted to manage, and actually do manage, small engines. It would be misleading to give these men engineers' certificates of any class, inasmuch as they are in no sense engineers. On the other hand, it is only fair to them and the small millowners who employ them that they should be eligible for some sort of certificate and be permitted to take charge of boilers and prime-movers attached to engines of low horse-power. Under these circumstances, the Board suggest that the Act should be amended in such a way as to authorize the grant to such persons, when found competent, of engine-drivers' certificates, which will empower them to take charge of boilers and prime-movers attached to engines of not more than twenty horse-power, and they point out that there is a precedent for the grant of such certificates in the Inland Steam-vessels Act, 1884, sections 28 and 29. In order to carry out these suggestions, which are supported by the Chief Commissioner, the present Bill, which makes the necessary amendments in the Burma Steam-boilers and Prime-movers Act, 1882, has been prepared.

The 28th August, 1884.

C. P. ILBERT.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 4, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October, 1884:—

No. 14 OF 1884.

A Bill to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

V of 1877.
XXI of 1883.

1. The Straits Settlements Emigration Act, 1877, is repealed.

Act V of 1877.

2. For section 102 of the Indian Emigration Act, 1883, the following section shall be substituted:—

New section substituted for section 102 of Act XXI of 1883.

XXI of 1883.

"102. On and from such a date as the Governor General in Council may, by notification in the *Gazette of India*, fix in this behalf, a Native of India who departs by sea out of British India under an agreement to labour for hire in any protected Native State adjoining the Straits Settlements to which the notification refers shall not be deemed to emigrate within the meaning of this Act."

Power for Governor General in Council to exempt emigration to Native States adjoining the Straits Settlements from Act.

STATEMENT OF OBJECTS AND REASONS.

THE main object of this Bill is to repeal Act V of 1877 (the Straits Settlements Emigration Act, 1877), which extends only to the Madras Presidency. It is dictated by the policy which recently led to the enactment of Act VII of 1883, (to repeal the British Burma Labour Law, 1876.) As in the case of Burma, it is found that there is a system of "free emigration" to the Straits which not only competes with, but altogether distances, the Government system for which Act V of 1877 provides. From the information before it, the Government of India is of opinion that that Act has impeded instead of promoting emigration, that labour flows as naturally to and from the Straits as it does between Burma and India, and that attempts to control its movement in British territory merely induce it to seek an outlet from the French ports of Pondicherry and Karikal. Such provisions as in the opinion of the Government are necessary for the protection and control of the Indian immigrant after his arrival in the Straits have been embodied in a revised Labour Regulation, which is now before the Straits legislature, and will, it is expected, shortly become law. Under these circumstances, the Government of India considers that emigration from India to the Straits should be uncontrolled by law in this country save as regards the requirements of the Native Passengers Ships Act.

2. The repeal of Act V of 1877 necessitates, however, an amendment of section 102 of Act XXI of 1883 (the Indian Emigration Act, 1883). The first sub-section of that section provides for the extension of Act V of 1877 to other parts of British India. As the Act is itself now being repealed, it is clear that this sub-section should be repealed also. The second and third sub-sections of that section give the Governor General in Council power by notification to include any of the protected Native States adjoining the Straits Settlements within

the scope of any law relating to emigration to those Settlements, and exempt, on and from the date of any such notification, emigration to the protected State specified therein from the operation of Act XXI of 1883. Though there will no longer be any special law relating to emigration to the Straits, it is deemed desirable to retain the power, which these sub-sections confer, of exempting emigration to the protected States from Act XXI of 1883. A new section has therefore been substituted by section 2 of the Bill for section 102 of Act XXI of 1883 empowering the Governor General in Council to exempt emigration to the protected States from that Act whenever he considers such exemption to be desirable.

The 25th September, 1884.

S. C. BAYLEY.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Report of the Select Committee on the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

WE, the undersigned members of the Select Committee to which the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 289-1L., dated 9th September, 1884 [Paper No. 1].
Telegram from Chief Commissioner, British Burma, dated 15th September, 1884 [Paper No. 2].

2. The following is an extract from the Chief Commissioner's telegram of the 15th instant:—

"Opinions received on Burma Gaming Bill induce me to urge following points:—

"*First*, we must make touts for *ti* punishable; so please, after word 'players' in section 4, insert words 'or who promotes the game by soliciting or collecting stakes or otherwise.'

"*Second*, I fear Courts may unduly restrict meaning of word 'place'; therefore, for first eight words in clause (2), section 3, please substitute words 'every place, whether enclosed or unenclosed.'

Thirdly, our 1st class Magistrates are few; therefore please add clause as follows:—

'The Local Government may specially authorize any Magistrate of the 2nd class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the district.'

Fourthly, we want power to arrest touts in public places; therefore please add clause as follows:—

'A police-officer may apprehend without warrant any person soliciting or collecting stakes for *ti* or any other game of like nature in any public street, place or thoroughfare.'

"*Fifthly*, on advice of officers consulted, I agree that section 2 of Bill may be omitted."

3. We have adopted all these suggestions except the second; and, though the Chief Commissioner adds that he lays much stress on that suggestion, we do not think it would be possible to adopt it, at least in the shape in which he proposes it. It must be remembered that the Bill is not an independent measure, but is to be read with Act III of 1867; and, if the provisions of that Act relating to common gaming-houses be referred to, it will, we think, be found that some at least of them are such that if every "place," without any distinction or limitation whatever, was to be made a "common gaming-house," they could not fairly or reasonably be applied. It may indeed be doubted whether, apart from all consideration of the harshness which the proposed amendment would involve, some of those provisions could be applied to every "place" indiscriminately without giving rise to something approaching an absurdity.

4. We have, we need hardly say, considered whether it might not be desirable to give some extension to the definition of "common gaming-house" short of that proposed by the Chief Commissioner; but we think, having regard to English decisions on the provisions of Statutes worded in a manner somewhat similar to Act III of 1867 and the

present Bill, that the definition is as wide as it is desirable to make it. We think we may reasonably count on its being held, with reference to those decisions, to include all places which are sufficiently analogous to a house, walled enclosure or room to admit of being reasonably and fairly treated as gambling-houses for the purposes of the Act.

5. It must be remembered that the question here involved has little or no importance in practice except in its bearing on the position of persons who are induced to take tickets in the *ti;* for the managers and their assistants will in all cases be subject to severe penalties under separate provisions, which are completely independent of the definition of common gaming-house; and, as regards mere ticket-holders, it appears to us that it is sufficient if they are punishable under the common gaming-house provisions of the Bill and the Act as they now stand, and under the 13th section of the Act for gambling in public. We have, however, amended the last-mentioned section so as to give it a somewhat wider range in British Burma than it has elsewhere.

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

In English.

Gazette.	*Date.*
Gazette of India	30th August, and 6th and 13th September, 1884.
British Burma Gazette	13th September, 1884.

In the Vernaculars.

Province.	*Language.*	*Date.*
British Burma ...	Burmese ...	13th, 20th, and 27th September, 1884.

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

C. P. ILBERT.
C. U. AITCHISON.
J. GIBBS.
J. W. QUINTON.

The 25th September, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Report of the Select Committee on the Bill to amend the Law relating to Local Self-government in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

WE, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Local Self-government in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 678-8R.M, dated 27th September, 1883, and enclosures [Papers No. 1].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 88-8R.M., dated 4th October, 1883, and enclosures [Papers No. 2].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 348-8R.M., dated 17th October, 1883, and enclosures [Papers No. 3].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 537-8R.M., dated 27th December, 1883, and enclosure [Papers No. 4].
Office Memorandum from Home Department, No. 762, dated 9th May, 1884, and enclosures [Papers No. 5].
From Officiating Secretary to Chief Commissioner, British Burma, No. 481-1G.M., dated 17th June, 1884, and enclosure [Papers No. 6].

2. The Bill as now amended by us will be seen at a glance to differ considerably from the Bill as introduced. The difference is due chiefly to three causes.

3. In the first place, there has been a change in the main plan and scope of the measure. As explained in the Statement of Objects and Reasons, the original Bill was framed with a view to the inclusion within municipalities of adjoining rural areas. This course was taken, on the advice of the Local Government, in order to meet the requirements of certain rural tracts, until such time as it might be found possible to establish a system of local boards for rural districts.

From the papers since submitted, however, it appears that, upon fuller consideration, the weight of opinion is against the attempt to include in one municipality urban and rural tracts; and the Chief Commissioner now recommends that the Bill be confined, as we believe all the Municipal Acts on our Statute-book are, to urban tracts, the matter of local self-government in rural tracts being left to be dealt with separately hereafter.

In this recommendation we concur. The difficulty of framing the provisions of the Bill so as to fit in with conditions so essentially different as those of the towns and the adjoining tracts of country has turned out to be greater than was anticipated, and the call for the establishment of a system of local self-government in the rural tracts of British Burma is not so pressing as to justify our running the risk of passing an unsatisfactory measure for the sake of at once meeting it. We have accordingly reduced the Bill to the form of a Municipal Bill pure and simple.

4. Another difference between the original Bill and the present Bill is due to our having, at the request of the Chief Commissioner, adopted the course taken by the Select Committee on the Panjáb Municipal Bill of substituting for wide general powers to make rules detailed provisions regarding nuisances and other matters affecting the public health, safety and convenience. It is in this way that most of the new sections contained in Chapters VI and VII of the amended Bill are to be accounted for.

5. Lastly, the greater light thrown upon the needs of municipal government and on the difficulties likely to present themselves in the application of a Municipal Act by the prolonged discussions which took place in the Select Committee on the Panjáb Bill has led to numerous amendments in, or additions to, the Bill of minor importance. As examples we may refer to—

Section 27 (*e*) (distribution of executive powers and duties);

Section 28 (extraordinary powers of president and vice-president in case of emergency);

Sections 44 and 88 (powers to impose a scavenging-tax and to undertake the scavenging of private premises);

Sections 51-57 (special rules applicable to taxation of immoveable property);

Sections 60 and 61 (constitution and application of the municipal fund);

Sections 65-67 (provisions relating to municipal property);

Section 138 (settlement of disputes);

Sections 151-155 (relating to notices); and

Section 158 (which confers a power to exempt a municipality from any provisions of the Act which appear unsuitable to it).

This last section, we may observe, is specially necessary in view of the numerous and somewhat elaborate provisions now contained in Chapters VI and VII, some of which would probably be unsuitable in small municipalities.

6. We have now to notice such of the more important alterations of the Bill as are not accounted for by the foregoing remarks, or as otherwise seem to call for explanation.

7. Section 12 of the original Bill, which required a member of the municipal body to vacate his seat when appointed to a salaried municipal office, and section 29, which provided for the payment of fees to members for attendance at meetings, have been omitted; the former because it is not thought advisable that any person while a member of a committee should be appointed to a salaried office under the committee, and the latter because a municipal area can now comprise only a town and its immediate suburbs, and the members of the committee, being residents of that area and not having to travel any distance to the meetings, may reasonably be expected to give their services gratuitously.

8. We have, following the course taken in the Panjáb Bill, limited the rates to be imposed for water, lighting and scavenging only by providing (in effect) that they shall not exceed what is requisite to defray the cost of the services for which they are levied; and we have, as in the Panjáb Bill, provided that the proceeds of these rates shall be carried to the one municipal fund, separate accounts only being kept, instead of constituting separate funds.

9. We have substituted for section 47 of the original Bill, which required a municipal committee to make grants-in-aid to schools in accordance with such rules as the Government might make, a section (62) specifically appropriating to educational purposes the income for schools and all sums acquired by the committee in trust for educational purposes, and further requiring the assignment for educational purposes from the general municipal revenues of such sum annually, not being more than 5 per cent. of the gross annual income of the municipality, as the Local Government may fix.

This section has been suggested by the Chief Commissioner with the view of meeting practical difficulties which have occurred in British Burma, and is, in his opinion, indispensable for the purpose of carrying out the educational policy which has recently been established in that province, and under which the municipalities, whilst relieved of police-charges, have been required to provide for the maintenance of local schools. It will be observed that the section, while it compels the committee to devote a certain minimum of its funds to educational purposes, imposes no such restriction as might have been imposed under the original section as regards the particular objects on which the money shall be spent.

10. The Chief Commissioner has in an unofficial communication proposed certain modifications in and additions to the new provisions introduced from the Panjáb Bill in Chapters VI and VII. Most of these are of minor importance, and we have in general adopted them, omitting only such as appeared to us superfluous or unnecessarily stringent. In one instance we, however, have found it necessary to omit a section of considerable importance proposed by the Chief Commissioner, namely, a section similar to section 14 of Act XLVIII of 1860 giving a certain power of control over brothels and other disorderly houses; but that section we have omitted merely because we think the matter is one to be dealt with by the Magistrates and police rather than by a municipal committee.

11. The only other point which appears to call for notice in connection with this portion of the Bill is that we have substituted two sections (126 and 127) based on similar sections in the Public Health Act, 1875, for a section proposed by the Chief Commissioner, to guard against the spread of infectious diseases through the medium of public conveyances.

12. Sections 49 to 51 of the original Bill provided for the exercise by a municipal committee or its members of certain magisterial powers in nuisance cases. We have omitted these sections for the same reasons that have led to the omission of the corresponding sections of other Municipal Bills recently before the Council, namely, that a section like section 49 could have little practical effect, and that it is not desirable that the powers given by the other two sections should be conferred.

13. We have not thought it advisable to adopt a proposal made by the Chief Commissioner that the Local Government should be empowered to invest municipal officers with the powers of police-officers for the purposes of section 34 of the Police Act (V of 1861).

14. We have added a clause to section 133 providing that the powers of control over municipalities, conferred by that section on the Commissioner and Deputy Commissioner, shall, in the case of the municipalities of Rangoon, Moulmein, Akyab and Bassein, be exercised not by those officers but by the Local Government.

15. Lastly, we have to state that we have considered a proposal of the Chief Commissioner to the effect that the appropriation provisions of the Bill should be modified in such a manner as to admit of a municipal committee subscribing to a public band or contributing to fireworks or the like on great occasions. We have not adopted this proposal, because the objects in question appear to us to lie beyond the sphere of the purposes for which municipal taxation is raised in this country.

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

In English.

Gazette.		*Date.*
Gazette of India	...	21st and 28th July, and 4th August, 1883.
British Burma Gazette	...	11th, 18th and 25th August, 1883.

In the Vernaculars.

Province.	*Language.*	*Date.*
British Burma	... Burmese	... 25th August, and 1st and 8th September, 1883.

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

C. P. ILBERT.

J. GIBBS.

T. C. HOPE.

J. W. QUINTON.

D. G. BARKLEY.

The 25th September, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Report of the Select Committee on the Bill to amend the law relating to Courts in the Panjáb was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884 :—

WE, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Courts in the Panjáb was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Extract from the *Tribune* of 5th July, 1884 [Paper No. 1].
Extract from the *Tribune* of 12th July, 1884 [Paper No. 2].
Extract from the *Hindoo Patriot* of 14th July, 1884 [Paper No. 3].
Extract from the *Tribune* of 19th July, 1884 [Paper No. 4].
Extract from the *Tribune* of 26th July, 1884 [Paper No. 5].
Extract from the *Tribune* of 2nd August, 1884 [Paper No. 6].
Extract from the *Tribune* of 9th August, 1884 [Paper No. 7].
Extract from the *Tribune* of 16th August, 1884 [Paper No. 8].
From Officiating Secretary to Government, Panjáb, No. 4078., dated 26th August, 1884, and enclosures [Papers No. 9].
Extract from the *Civil and Military Gazette* of 21st August, 1884 [Paper No. 10].
From President, Indian Association, Lahore, dated 30th August, 1884, and enclosure [Papers No. 11].
Extract from the *Tribune* of 28rd August, 1884 [Paper No. 12].
Extract from the *Civil and Military Gazette* of 25th August, 1884 [Paper No. 13].
From Officiating Secretary to Government, Panjáb, No. 4478., dated 4th September, 1884, and enclosure [Papers No. 14].
From Officiating Secretary to Government, Panjáb, No. 4458., dated 6th September, 1884, and enclosure [Papers No. 15].
Endorsement by Officiating Under-Secretary to Government of India, Home Department, No. 1215, dated 15th September, 1884, and enclosures [Papers No. 16].

2. We have rearranged the provisions of the Bill in a manner which we trust will make them more readily intelligible; and in the following remarks we shall as far as possible take the sections in their new order.

CHAPTER II.

THE CHIEF COURT.

3. It will be observed that under the proviso to section 8, sub-section (1), a single Judge of the Chief Court is prohibited from revising or modifying any proceeding of a lower Court except an "order" within the meaning of the Code of Civil Procedure. The restriction thus imposed does not, we believe, differ to any important extent from that contained in the corresponding provision (section 21, proviso) of the original Bill, and it relieves us of the necessity of using the phrase "interlocutory order," to which some difficulty attached.

4. We have also modified the last sub-section of section 8 by placing in the hands of the Senior Judge the power of determining which Judges of the Chief Court shall sit alone and which shall constitute benches, instead of leaving the power to be delegated by the Court to such Judge as it might think fit.

5. We have in section 14 added to the matters in respect of which the Chief Court is empowered to make rules—

(1) the translation of papers filed in the Chief Court and copying or printing any such papers or translations, and the payment by parties of the expenses thereby incurred; and

(2) the procedure in cases where a person is entitled to inspect a record of any Court or obtain a copy of it, and the fees payable for searches and copies.

We believe that these matters have long been dealt with by the Chief Court at its discretion, and we think it well that the power to deal with them should be placed on a legal basis.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

6. The enumeration of the subordinate Civil Courts in section 17* differs from that in section 4 of the original Bill, but the substantive changes involved are smaller than might at first sight be supposed.

* (*a*) The Divisional Court.
(*b*) The Court of the District Judge.
(*c*) The Court of the Subordinate Judge.
(*d*) The Court of the Munsif.

The Divisional Court corresponds, with certain modifications, which we shall presently have to notice, to the Divisional Court of the original Bill.

7. The District Judge corresponds to the Assistant Judge of the original Bill, but his position as controlling the administration of civil justice in the district in somewhat the same manner as the District Magistrate under the Criminal Procedure Code controls the administration of criminal justice is more clearly brought out; and (section 23) his Court is, subject to certain exceptions, made the District Court for the purposes of those Acts which confer special powers on a District Court.

8. The Subordinate Judge corresponds to the Subordinate Judge of the first class of the original Bill, but we have, instead of fixing a pecuniary limit to his jurisdiction as in section 36 of the original Bill, empowered the Local Government to do so (section 26). It will thus be in the power of the Local Government to limit the jurisdiction of a Subordinate Judge to any sum it thinks fit, or to confer upon him the unlimited jurisdiction exercised by a District Judge in original suits.

9. The Munsif of the amended Bill is intended to comprise the second, third and fourth classes of Subordinate Judges of the original Bill, and his powers in original suits have been dealt with in a manner similar to that just described; that is to say, it is left (section 26) to the Chief Court to invest each Munsif with such powers as it thinks fit, provided that the limit of value does not exceed Rs. 1,000, which was the limit for Subordinate Judges of the second class under section 36 of the original Bill.

10. It will be observed that section 19 introduces an important change as regards the constitution of the Divisional Court; but as that change will be more conveniently explained when we come to speak of the appellate jurisdictions, it only remains to notice here that we have in the proviso to section 21 put the restriction on the powers of one of several Judges of a Divisional Court sitting alone on the same footing as the similar restriction in the case of the Chief Court (*supra*, paragraph 3).

11. We have inserted a new section (29), similar to section 27 of the Bengal Courts Act, providing for the transfer to a Subordinate Judge or Munsif of business under Act XXVII of 1860, Act XL of 1858 and Act IX of 1861.

12. In the section (now 30) which empowers the Local Government to confer the powers of a Small Cause Court Judge on certain judicial officers, we have, as in other cases, omitted all minute specification of pecuniary limits, and simply provided that the Local Government may confer such powers as it thinks fit within the limit of Rs. 500.

13. In dealing with a Bill of this description it is impossible to overlook the difficulties which present themselves in connection with the valuation of certain classes of suits for the purpose of determining the original jurisdiction and the course of appeal. The question of the simplest mode of valuing suits for the recovery of land is at present under the consideration of the Government of India, and we have not accordingly felt ourselves called upon to take it up; but there are certain other classes of suits which in the absence of any special provision for their valuation would be left in a very unsatisfactory position, namely, suits the subject of which does not admit of valuation on any intelligible basis. Such suits are usually valued at some low figure, and consequently may be heard without any reference to their importance or difficulty by Courts of the inferior grades. The necessity for making some special provision for them on the present occasion is the greater, inasmuch as, under the present Bill, the course of appeal will depend to a greater extent than before on the valuation.

We have accordingly introduced a new section (32) providing that, where the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that such suits shall be treated as if the subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

14. The only other provision of this chapter which appears to call for notice is section 38. As we have explained, it is intended that the District Judge should have the general control of the administration of civil justice throughout his district; but there may be cases, as *e.g.*, that of Kulu, in which it would be convenient to delegate this control to a Subordinate Judge in some outlying portion of the district in somewhat the same way as certain powers of a District Magistrate are delegated to a Sub-divisional Officer under the Code of Criminal Procedure; and accordingly a power to effect such a delegation has been taken.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

15. We have omitted the words in the opening section of this chapter which conferred a power to place other classes of suits on the same footing as mufassal small causes for the purposes of appeal, the object in view being now sufficiently met by the new definition of "small cause" (in section 3), which gives power to place small causes within the meaning of the Presidency-towns Small Cause Courts Act on the same footing as mufassal small causes.

16. We have, moreover, restricted this section, as we have the entire chapter, to appeals from decrees as distinguished from orders, the latter being sufficiently provided for by the Code of Civil Procedure.

17. The subject of further appeals, which is dealt with in the following section, is one which has given rise to much discussion, and which is surrounded on all sides with difficulties of a serious nature. We have given to it the most careful and prolonged consideration, and have come to the conclusion that the right of further appeal allowed by the Bill as introduced must be extended in some important particulars.

The Bill as introduced allowed a further appeal from the appellate decree of a Divisional Bench only in two cases, namely, if the Judges differed *or* if some question of law or custom or of general interest was involved; and in these cases it did not allow the appeal as a matter of right, but only if both Judges, or when one had left the Court, the remaining one, certified that the case was of sufficient importance to justify a further appeal. Under the Bill as now amended a further appeal will lie as a matter of right and without any certificate from a Divisional Bench in all cases where the Judges differ. There will, moreover, be a further appeal in all cases in which any one Judge certifies that there is a question of law or custom or general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal. And, lastly, there will be a further appeal in cases of a class altogether new and not contemplated in the original Bill, namely, where the value of the suit exceeds Rs. 500.

The proviso barring a further appeal in small causes when the value does not exceed Rs. 500 is retained.

18. We have, as already indicated, made another alteration which is of considerable importance, and which it is convenient to notice here.

The Bill as introduced required that the Divisional Courts should consist in all instances of at least two Judges, that except as expressly provided no decision should be reversed except by a bench of two Judges, and that the restrictions on further appeal which we have described should apply to all Divisional Courts. To that objection was taken on the ground that there may be a difficulty in finding in the Panjáb a sufficient number of competent officers to furnish two Judges for each of the Divisional Courts proposed. We need hardly say that if the objection were well-founded it would be a serious one, inasmuch as the strict limitations on the right of further appeal to the Chief Court imposed by the original Bill were framed in reliance on the strength of the Divisional Benches; and though those limitations have now been relaxed in the important particulars already described, the Bill still proceeds on the assumption that a Divisional Bench will be a stronger, more reliable and more satisfactory tribunal than the Court of a Commissioner ordinarily now is.

19. It is of course impossible for us to say whether the precise number of competent officers required to constitute Benches in all the proposed Divisions is to be found in the Panjáb at this moment, but we understand that the Lieutenant-Governor has no misgivings on the point, and we think it may be safely affirmed that the difficulty of procuring a sufficient number of competent officers for the Benches has been much exaggerated.

In order, however, to guard against every possibility of miscarriage, we have now modified the Bill in such a way that, if the Lieutenant-Governor finds, at any time, that the materials required for establishing a Bench in any particular Division are not immediately available, he can make the Divisional Court there consist of a single Judge (section 19), and in the event of his doing so a further appeal will, subject only to the proviso as to small causes contained in section 40, lie from that Judge's appellate decrees precisely as they lie at present from the appellate decrees of a Commissioner [section 40, clause (*b*)].

CHAPTER V.

REVENUE COURTS.

20. We have recast this chapter, assimilating it in form and arrangement to the portion of the Bill relating to Civil Courts, and supplying certain omissions in details, as, *e. g.*, provisions relating to ministerial officers, which it seems unnecessary to notice more particularly.

21. We have omitted from the list of suits cognizable by Revenue Courts given in the first section the so-called suits under section 40 of the Panjáb Tenancy Act, inasmuch as we find on reference to that Act that the proceedings in question are not suits but applications, and we think that the proper mode of dealing with them is to include them among the applications to be heard on the revenue side which are specified in section 42 of that Act, and from which they were apparently omitted by an oversight. We have accordingly added a section (75) to the Bill amending section 42 of the Tenancy Act so as to include them.

22. We have added to the list of suits cognizable by Revenue Courts "suits to determine disputes regarding boundaries of land" (*i.e.*, of agricultural land) "which have been fixed by

a Court or Revenue-officer." This addition has been advocated by several of the authorities consulted, and it appears to us to be a proper one, seeing that all that is ordinarily required for the decision of such disputes is the laying down on the ground of a boundary which is to be found in a map.

23. On the other hand, we have appended to the section a proviso which empowers the Local Government, after consulting the Chief Court, to retransfer to the Civil Courts the jurisdiction in any class of revenue cases cognizable in any part of the country where it appears desirable to do so.

24. We have for convenience sake divided the classes of suits into two groups, and at the instance of the Local Government included class (*d*), suits for ejectment of a tenant, in the group containing suits deemed to be of greater importance or difficulty.

25. We have in defining the powers of Assistant Commissioners and Tahsíldárs [section 46 (2)], following the same course as in the provisions relating to original civil jurisdiction, omitted all minute specification of pecuniary limits, and left it to the Local Government to fix those limits as it thinks fit.

26. We have for the same reason as in the preceding chapter omitted all reference to appeals from orders.

27. We have introduced a clause in the proviso to section 47, based on similar provisions in the Rent Laws of Bengal and the North-Western Provinces, giving power to bar appeals from decrees of certain classes of officers in money-suits when the amount involved does not exceed Rs. 100 and no question of importance, such as a question of title, is involved.

28. We have added a section (51) empowering the Local Government to confer on any person the judicial powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter.

29. We have, in order further to provide a means of relieving the Revenue Courts of the necessity of disposing of particular matters which may be found to be more proper for consideration by the Civil Courts, introduced two new sections (54 and 55).

The first of these is copied with certain modifications from section 208A of the North-Western Provinces Rent Act, 1881, and is intended to take the place of section 49 of the original Bill, which has been the subject of adverse criticism. It empowers a Revenue Court, when it considers that any question in issue before it is more proper for decision by a Civil Court, to require any party to institute a suit in the Civil Court with a view to obtaining a decision on the question. If he fails to comply with the requisition, the Revenue Court is empowered to decide the question against him, but is not bound to do so, as under the corresponding provision of the North-Western Provinces Act. If the party institutes the suit in the Civil Court, the Revenue Court will follow the decision of that Court.

30. It has been suggested that any provision of this sort is superfluous, inasmuch as a Revenue Court being a Court of limited jurisdiction, and its decision in one case being accordingly, under section 13 of the Code of Civil Procedure, binding in other cases only to a limited extent, it may safely be compelled to decide all questions arising incidentally in any suit before it, even though they may be questions which would be obviously more proper for the consideration of a Civil Court.

To this view of the matter we are unable to assent.

31. It is undoubtedly true that in many cases, probably in the great majority of cases, it is best for all parties that the Revenue Court should take upon itself to decide all questions incidentally arising in the suit, even though some of them might be of a nature more proper for the consideration of a Civil Court. This would clearly be the right course for the Revenue Court to take when the question is a simple one and can be quickly disposed of, or when it is one not likely to arise subsequently between the parties in any other connection; but it seems equally clear that when, as must occasionally happen, some complicated and difficult question arises in a revenue-suit, and is certain to arise again between the parties unless it is finally settled, a Revenue Court ought to be allowed some discretion of the sort proposed. For, if some such discretion is not allowed, what must be the result? The question must be tried out at a great expenditure of time and money to all concerned by the Revenue Court, which *ex hypothesi* is not the best Court to try it. It may then go in appeal to the higher Revenue Courts, probably in the last resort to the Financial Commissioner, and, after all, as the decision obtained will not be binding except for certain limited purposes, the whole litigation may commence *de novo* and run a similar course through the Civil Courts.

It is in order to provide a means of avoiding scandals of this sort that we have introduced the section in question.

32. We are quite aware that the power it confers might be abused by an indolent Revenue-officer if he were free to resort to it at pleasure, but we have guarded against this by making the sanction of the immediately superior Court a condition precedent to its exercise.

33. Section 55, to which there is nothing corresponding in the original Bill, empowers the Financial Commissioner to refer to the Chief Court a point of law which he considers that Court is more competent to decide.

34. We trust that these two sections and the proviso which we have appended to section 45 (see *supra*, paragraph 23) will suffice to remove the apprehensions which have been expressed in some quarters that the Bill may force upon the Revenue Courts duties which they will be incompetent to discharge.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

35. We have omitted section 63 of the original Bill, which provided for consultations between the two Financial Commissioners, as it is unnecessary to provide for such a matter by legislative enactment and the proposal to do so gave rise to some misapprehension.

36. We have likewise omitted section 66 of the original Bill, which expressly prohibited a judicial officer from disposing of a case in which he might appear to be interested. We are aware that such provisions have long found a place in our Courts Acts, but we think the matter is one on which legislation may well be dispensed with, the general principles applicable to it being perfectly well understood.

37. Section 68 of the original Bill, which reproduced section 48 of the present Panjáb Courts Act, gave power to the Government to appoint a single Judge to exercise the Chief Court's superintending functions. This power has never been exercised, and we are informed that the Government have no desire to retain it. We have accordingly omitted the section.

38. Sections 73 and 74 of the original Bill, which provide for the enhancement of the court-fees upon applications to the Chief Court for revision under section 622 of the Code of Civil Procedure, were introduced with a view to discouraging such applications. We fully approve of their provisions and have retained them in the revised Bill. From statistics put before us by our hon'ble colleague Mr. Barkley it appears that such applications have of late been increasing to a formidable extent in the Panjáb; and, as observed by him when he asked for leave to introduce the Bill, they are certain to increase with greater rapidity if the provisions of the Bill, which give greater finality to the decisions of the Lower Appellate Courts, become law. Moreover, from the circumstance that only about one-sixth of the applications now made to the Chief Court are successful, it may be gathered that Panjáb litigants when debarred from appealing are tempted to incur the serious trouble and expense involved in making such applications, even where there may not be the slightest prospect of success. This appears to us to be a serious evil, and the only question has been whether the increase of the court-fee proposed in the original Bill would be enough to check it. The better opinion appears to us to be that it would have but a slight effect in that direction, and that nothing short of an alteration of section 622 of the Code as applied to the Panjáb will suffice.

39. We find that a considerable divergence of opinion has arisen between some of the highest Courts in the country as to the nature of the grounds required to support an application under that section. A full bench of the Allahabad High Court has held (I. L. R. 3 All. 203) that any grounds on which a second appeal would lie are sufficient. The practical result of this, as admitted by two of the learned Judges, is that section 622 of the Code gives a second appeal in all those cases in which the earlier sections of the Code expressly deny it. It may, no doubt, be said that the Court has a discretion under section 622 to interfere or not as it thinks fit, but we apprehend that as a rule a High Court holding the opinion just referred to, and finding what would be a good ground for special appeal made out, would be in practically the same position as if it were considering a special appeal under section 551.

40. A view which is probably more in accordance with that of those who framed the section was taken by a full bench of the Bombay High Court in a case reported in I. L. R. 7 Bom. 341. The conclusion to which the Court came in that case may be stated to be that the jurisdiction conferred by section 622 of the Code is an extraordinary jurisdiction to be exercised only in extraordinary cases, and that the precise circumstances under which it is to be exercised is left to the discretion of the Court and cannot be defined.

The question has not yet come before a full bench of the Panjáb Chief Court. It is impossible to predict what the result of its being fully considered by that Court would be; and, having regard to its intimate connection with the working of the present Bill, we do not think the matter should be left in uncertainty.

41. The root of the difficulty which has sprung up in connection with the section appears to lie in that portion of the wording introduced into the Code by Act XII of 1879, which empowers the High Court to interfere on the ground that the Lower Court has acted "illegally." The Allahabad High Court has construed this as justifying the High Court's interference whenever the Court below has erred on a question of law, and it is on this point mainly that the Bombay Court has dissented from the Allahabad decision. The divergence of opinion will no doubt have eventually to be met by an amendment of the Code, but the matter is not very pressing, where, as in most parts of the country at present, the proportion of cases in which appeals to the High Court are barred is comparatively small and a tendency to resort recklessly to the section has not developed itself among litigants.

42. In the Panjáb, on the contrary, the question is already pressing, and will become more so if this Bill is passed. We are therefore compelled to deal with it separately for that province; and the conclusion to which we have come after the most careful consideration, and having regard to the special circumstances of the Province and the peculiar features of the appellate system now proposed, is that the extraordinary jurisdiction conferred by section 622 of the Code should be exerciseable only on the ground that the lower Court has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction with material irregularity. We propose, therefore (section 70 of the Bill), to limit the scope of section 622 of the Code in this way, and we believe that when so limited it will still be sufficiently wide to cover all cases which call for the exercise of revisional as distinguished from appellate jurisdiction.

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

In English.

Gazette.	*Date.*
Gazette of India ...	... 5th, 12th and 19th July, 1884.
Panjáb Government Gazette ...	... 10th, 17th and 24th July, 1884.

In the Vernacular.

Province.	*Language.*	*Date.*
Panjáb	... Urdu	... 28th July, and 4th and 11th August, 1884.

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

D. G. BARKLEY.
J. GIBBS.
C. P. ILBERT.
S. C. BAYLEY.
J. W. QUINTON.

The 25th September, 1884.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 11, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October, 1884:—

No. 14 of 1884.

A Bill to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

V of 1877. XXI of 1883.

WHEREAS it is expedient to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

1. The Straits Settlements Emigration Act, 1877, is repealed. V of 1877.

2. For section 102 of the Indian Emigration Act, 1883, the following section shall be substituted:— XXI of 1883.

New section substituted for section 102 of Act XXI of 1883.

Power for Governor General in Council to exempt emigration to Native States adjoining the Straits Settlements from Act.

"102. On and from such a date as the Governor General in Council may, by notification in the *Gazette of India*, fix in this behalf, a Native of India who departs by sea out of British India under an agreement to labour for hire in any protected Native State adjoining the Straits Settlements to which the notification refers shall not be deemed to emigrate within the meaning of this Act."

STATEMENT OF OBJECTS AND REASONS.

THE main object of this Bill is to repeal Act V of 1877 (the Straits Settlements Emigration Act, 1877), which extends only to the Madras Presidency. It is dictated by the policy which recently led to the enactment of Act VII of 1883, (to repeal the British Burma Labour Law, 1876.) As in the case of Burma, it is found that there is a system of "free emigration" to the Straits which not only competes with, but altogether distances, the Government system for which Act V of 1877 provides. From the information before it, the Government of India is of opinion that that Act has impeded instead of promoting emigration, that labour flows as naturally to and from the Straits as it does between Burma and India, and that attempts to control its movement in British territory merely induce it to seek an outlet from the French ports of Pondicherry and Karikal. Such provisions as in the opinion of the Government are necessary for the protection and control of the Indian immigrant after his arrival in the Straits have been embodied in a revised Labour Regulation, which is now before the Straits legislature, and will, it is expected, shortly become law. Under these circumstances, the Government of India considers that emigration from India to the Straits should be uncontrolled by law in this country save as regards the requirements of the Native Passengers Ships Act.

2. The repeal of Act V of 1877 necessitates, however, an amendment of section 102 of Act XXI of 1883 (the Indian Emigration Act, 1883). The first sub-section of that section provides for the extension of Act V of 1877 to other parts of British India. As the Act is itself now being repealed, it is clear that this sub-section should be repealed also. The second and third sub-sections of that section give the Governor General in Council power by notification to include any of the protected Native States adjoining the Straits Settlements within

the scope of any law relating to emigration to those Settlements, and exempt, on and from the date of any such notification, emigration to the protected State specified therein from the operation of Act XXI of 1883. Though there will no longer be any special law relating to emigration to the Straits, it is deemed desirable to retain the power, which these sub-sections confer, of exempting emigration to the protected States from Act XXI of 1883. A new section has therefore been substituted by section 2 of the Bill for section 102 of Act XXI of 1883 empowering the Governor General in Council to exempt emigration to the protected States from that Act whenever he considers such exemption to be desirable.

The 25th September, 1884.

S. C. BAYLEY.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Report of the Select Committee on the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

From Officiating Secretary to Chief Commissioner, British Burma, No. 289-1L., dated 9th September, 1884 [Paper No. 1].
Telegram from Chief Commissioner, British Burma, dated 15th September, 1884 [Paper No. 2].

WE, the undersigned members of the Select Committee to which the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

2. The following is an extract from the Chief Commissioner's telegram of the 15th instant:—

"Opinions received on Burma Gaming Bill induce me to urge following points:—

"*First*, we must make touts for *ti* punishable; so please, after word 'players' in section 4, insert words 'or who promotes the game by soliciting or collecting stakes or otherwise.'

"*Second*, I fear Courts may unduly restrict meaning of word 'place'; therefore, for first eight words in clause (2), section 3, please substitute words 'every place, whether enclosed or unenclosed.'

Thirdly, our 1st class Magistrates are few; therefore please add clause as follows:—

'The Local Government may specially authorize any Magistrate of the 2nd class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the district.'

Fourthly, we want power to arrest touts in public places; therefore please add clause as follows:—

'A police-officer may apprehend without warrant any person soliciting or collecting stakes for *ti* or any other game of like nature in any public street, place or thoroughfare.'

"*Fifthly*, on advice of officers consulted, I agree that section 2 of Bill may be omitted."

3. We have adopted all these suggestions except the second; and, though the Chief Commissioner adds that he lays much stress on that suggestion, we do not think it would be possible to adopt it, at least in the shape in which he proposes it. It must be remembered that the Bill is not an independent measure, but is to be read with Act III of 1867; and, if the provisions of that Act relating to common gaming-houses be referred to, it will, we think, be found that some at least of them are such that if every "place," without any distinction or limitation whatever, was to be made a "common gaming-house," they could not fairly or reasonably be applied. It may indeed be doubted whether, apart from all consideration of the harshness which the proposed amendment would involve, some of those provisions could be applied to every "place" indiscriminately without giving rise to something approaching an absurdity.

4. We have, we need hardly say, considered whether it might not be desirable to give some extension to the definition of "common gaming-house" short of that proposed by the Chief Commissioner; but we think, having regard to English decisions on the provisions of Statutes worded in a manner somewhat similar to Act III of 1867 and the

present Bill, that the definition is as wide as it is desirable to make it. We think we may reasonably count on its being held, with reference to those decisions, to include all places which are sufficiently analogous to a house, walled enclosure or room to admit of being reasonably and fairly treated as gambling-houses for the purposes of the Act.

5. It must be remembered that the question here involved has little or no importance in practice except in its bearing on the position of persons who are induced to take tickets in the *ti;* for the managers and their assistants will in all cases be subject to severe penalties under separate provisions, which are completely independent of the definition of common gaming-house; and, as regards mere ticket-holders, it appears to us that it is sufficient if they are punishable under the common gaming-house provisions of the Bill and the Act as they now stand, and under the 13th section of the Act for gambling in public. We have, however, amended the last-mentioned section so as to give it a somewhat wider range in British Burma than it has elsewhere.

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

In English.

Gazette.	*Date.*
Gazette of India	30th August, and 6th and 13th September, 1884.
British Burma Gazette	13th September, 1884.

In the Vernaculars.

Province.	*Language.*	*Date.*
British Burma ...	Burmese ...	13th 20th, and 27th September, 1884.

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

C. P. ILBERT.
C. U. AITCHISON.
J. GIBBS.
J. W. QUINTON.

The 25th September, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Report of the Select Committee on the Bill to amend the Law relating to Local Self-government in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

WE, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Local Self-government in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 678-8R.M., dated 27th September, 1883, and enclosures [Papers No. 1].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 88-8R.M., dated 4th October, 1883, and enclosures [Papers No. 2].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 348-8R.M., dated 17th October, 1883, and enclosures [Papers No. 3].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 537-8R.M., dated 27th December, 1883, and enclosure [Papers No. 4].
Office Memorandum from Home Department, No. 762, dated 9th May, 1884, and enclosures [Papers No. 5].
From Officiating Secretary to Chief Commissioner, British Burma, No. 481-1G.M., dated 17th June, 1884, and enclosure [Papers No. 6.

2. The Bill as now amended by us will be seen at a glance to differ considerably from the Bill as introduced. The difference is due chiefly to three causes.

3. In the first place, there has been a change in the main plan and scope of the measure. As explained in the Statement of Objects and Reasons, the original Bill was framed with a view to the inclusion within municipalities of adjoining rural areas. This course was taken, on the advice of the Local Government, in order to meet the requirements of certain rural tracts, until such time as it might be found possible to establish a system of local boards for rural districts.

From the papers since submitted, however, it appears that, upon fuller consideration, the weight of opinion is against the attempt to include in one municipality urban and rural tracts; and the Chief Commissioner now recommends that the Bill be confined, as we believe all the Municipal Acts on our Statute-book are, to urban tracts, the matter of local self-government in rural tracts being left to be dealt with separately hereafter.

In this recommendation we concur. The difficulty of framing the provisions of the Bill so as to fit in with conditions so essentially different as those of the towns and the adjoining tracts of country has turned out to be greater than was anticipated, and the call for the establishment of a system of local self-government in the rural tracts of British Burma is not so pressing as to justify our running the risk of passing an unsatisfactory measure for the sake of at once meeting it. We have accordingly reduced the Bill to the form of a Municipal Bill pure and simple.

4. Another difference between the original Bill and the present Bill is due to our having, at the request of the Chief Commissioner, adopted the course taken by the Select Committee on the Panjáb Municipal Bill of substituting for wide general powers to make rules detailed provisions regarding nuisances and other matters affecting the public health, safety and convenience. It is in this way that most of the new sections contained in Chapters VI and VII of the amended Bill are to be accounted for.

5. Lastly, the greater light thrown upon the needs of municipal government and on the difficulties likely to present themselves in the application of a Municipal Act by the prolonged discussions which took place in the Select Committee on the Panjáb Bill has led to numerous amendments in, or additions to, the Bill of minor importance. As examples we may refer to—

Section 27 (*e*) (distribution of executive powers and duties);

Section 28 (extraordinary powers of president and vice-president in case of emergency);

Sections 44 and 88 (powers to impose a scavenging-tax and to undertake the scavenging of private premises);

Sections 51-57 (special rules applicable to taxation of immoveable property);

Sections 60 and 61 (constitution and application of the municipal fund);

Sections 65-67 (provisions relating to municipal property);

Section 138 (settlement of disputes);

Sections 151-153 (relating to notices); and

Section 158 (which confers a power to exempt a municipality from any provisions of the Act which appear unsuitable to it).

This last section, we may observe, is specially necessary in view of the numerous and somewhat elaborate provisions now contained in Chapters VI and VII, some of which would probably be unsuitable in small municipalities.

6. We have now to notice such of the more important alterations of the Bill as are not accounted for by the foregoing remarks, or as otherwise seem to call for explanation.

7. Section 12 of the original Bill, which required a member of the municipal body to vacate his seat when appointed to a salaried municipal office, and section 29, which provided for the payment of fees to members for attendance at meetings, have been omitted; the former because it is not thought advisable that any person while a member of a committee should be appointed to a salaried office under the committee, and the latter because a municipal area can now comprise only a town and its immediate suburbs, and the members of the committee, being residents of that area and not having to travel any distance to the meetings, may reasonably be expected to give their services gratuitously.

8. We have, following the course taken in the Panjáb Bill, limited the rates to be imposed for water, lighting and scavenging only by providing (in effect) that they shall not exceed what is requisite to defray the cost of the services for which they are levied; and we have, as in the Panjáb Bill, provided that the proceeds of these rates shall be carried to the one municipal fund, separate accounts only being kept, instead of constituting separate funds.

9. We have substituted for section 47 of the original Bill, which required a municipal committee to make grants-in-aid to schools in accordance with such rules as the Government might make, a section (62) specifically appropriating to educational purposes the income for schools and all sums acquired by the committee in trust for educational purposes, and further requiring the assignment for educational purposes from the general municipal revenues of such sum annually, not being more than 5 per cent. of the gross annual income of the municipality, as the Local Government may fix.

This section has been suggested by the Chief Commissioner with the view of meeting practical difficulties which have occurred in British Burma, and is, in his opinion, indispensable for the purpose of carrying out the educational policy which has recently been established in that province, and under which the municipalities, whilst relieved of police-charges, have been required to provide for the maintenance of local schools. It will be observed that the section, while it compels the committee to devote a certain minimum of its funds to educational purposes, imposes no such restriction as might have been imposed under the original section as regards the particular objects on which the money shall be spent.

10. The Chief Commissioner has in an unofficial communication proposed certain modifications in and additions to the new provisions introduced from the Panjáb Bill in Chapters VI and VII. Most of these are of minor importance, and we have in general adopted them, omitting only such as appeared to us superfluous or unnecessarily stringent. In one instance we, however, have found it necessary to omit a section of considerable importance proposed by the Chief Commissioner, namely, a section similar to section 14 of Act XLVIII of 1860 giving a certain power of control over brothels and other disorderly houses; but that section we have omitted merely because we think the matter is one to be dealt with by the Magistrates and police rather than by a municipal committee.

11. The only other point which appears to call for notice in connection with this portion of the Bill is that we have substituted two sections (126 and 127) based on similar sections in the Public Health Act, 1875, for a section proposed by the Chief Commissioner, to guard against the spread of infectious diseases through the medium of public conveyances.

12. Sections 49 to 51 of the original Bill provided for the exercise by a municipal committee or its members of certain magisterial powers in nuisance cases. We have omitted these sections for the same reasons that have led to the omission of the corresponding sections of other Municipal Bills recently before the Council, namely, that a section like section 49 could have little practical effect, and that it is not desirable that the powers given by the other two sections should be conferred.

13. We have not thought it advisable to adopt a proposal made by the Chief Commissioner that the Local Government should be empowered to invest municipal officers with the powers of police-officers for the purposes of section 34 of the Police Act (V of 1861).

14. We have added a clause to section 133 providing that the powers of control over municipalities, conferred by that section on the Commissioner and Deputy Commissioners, shall, in the case of the municipalities of Rangoon, Moulmein, Akyab and Bassein, be exercised not by those officers but by the Local Government.

15. Lastly, we have to state that we have considered a proposal of the Chief Commissioner to the effect that the appropriation provisions of the Bill should be modified in such a manner as to admit of a municipal committee subscribing to a public band or contributing to fireworks or the like on great occasions. We have not adopted this proposal, because the objects in question appear to us to lie beyond the sphere of the purposes for which municipal taxation is raised in this country.

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

In English.

Gazette.		*Date.*
Gazette of India	...	21st and 28th July, and 4th August, 1883.
British Burma Gazette	...	11th, 18th and 25th August, 1883.

In the Vernaculars.

Province.		*Language.*		*Date.*
British Burma	...	Burmese	...	25th August, and 1st and 8th September, 1883.

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

C. P. ILBERT.

J. GIBBS.

T. C. HOPE.

J. W. QUINTON.

D. G. BARKLEY.

The 25th September, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Report of the Select Committee on the Bill to amend the law relating to Courts in the Panjáb was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884 :—

WE, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Courts in the Panjáb was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Extract from the *Tribune* of 5th July, 1884 [Paper No. 1].
Extract from the *Tribune* of 12th July, 1884 [Paper No. 2].
Extract from the *Hindoo Patriot* of 14th July, 1884 [Paper No. 3].
Extract from the *Tribune* of 19th July, 1884 [Paper No 4].
Extract from the *Tribune* of 26th July, 1884 [Paper No. 5].
Extract from the *Tribune* of 2nd August, 1884 [Paper No. 6].
Extract from the *Tribune* of 9th August, 1884 [Paper No. 7].
Extract from the *Tribune* of 16th August, 1884 [Paper No. 8].
From Officiating Secretary to Government, Panjáb, No. 407S., dated 26th August, 1884, and enclosures [Papers No. 9].
Extract from the *Civil and Military Gazette* of 21st August, 1884 [Paper No. 10].
From President, Indian Association, Lahore, dated 30th August, 1884, and enclosure [Papers No. 11].
Extract from the *Tribune* of 23rd August, 1884 [Paper No. 12].
Extract from the *Civil and Military Gazette* of 25th August, 1884 [Paper No. 13].
From Officiating Secretary to Government, Panjáb, No. 447S., dated 4th September, 1884, and enclosure [Papers No. 14].
From Officiating Secretary to Government, Panjáb, No. 445S., dated 6th September, 1884, and enclosure [Papers No. 15].
Endorsement by Officiating Under-Secretary to Government of India, Home Department, No. 1215, dated 15th September, 1884, and enclosures [Papers No. 16].

2. We have rearranged the provisions of the Bill in a manner which we trust will make them more readily intelligible; and in the following remarks we shall as far as possible take the sections in their new order.

CHAPTER II.

THE CHIEF COURT.

3. It will be observed that under the proviso to section 8, sub-section (1), a single Judge of the Chief Court is prohibited from revising or modifying any proceeding of a lower Court except an "order" within the meaning of the Code of Civil Procedure. The restriction thus imposed does not, we believe, differ to any important extent from that contained in the corresponding provision (section 21, proviso) of the original Bill, and it relieves us of the necessity of using the phrase "interlocutory order," to which some difficulty attached.

4. We have also modified the last sub-section of section 8 by placing in the hands of the Senior Judge the power of determining which Judges of the Chief Court shall sit alone and which shall constitute benches, instead of leaving the power to be delegated by the Court to such Judge as it might think fit.

5. We have in section 14 added to the matters in respect of which the Chief Court is empowered to make rules—

(1) the translation of papers filed in the Chief Court and copying or printing any such papers or translations, and the payment by parties of the expenses thereby incurred; and

(2) the procedure in cases where a person is entitled to inspect a record of any Court or obtain a copy of it, and the fees payable for searches and copies.

We believe that these matters have long been dealt with by the Chief Court at its discretion, and we think it well that the power to deal with them should be placed on a legal basis.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

6. The enumeration of the subordinate Civil Courts in section 17* differs from that in section 4 of the original Bill, but the substantive changes involved are smaller than might at first sight be supposed.

* (*a*) The Divisional Court.
(*b*) The Court of the District Judge.
(*c*) The Court of the Subordinate Judge.
(*d*) The Court of the Munsif.

The Divisional Court corresponds, with certain modifications, which we shall presently have to notice, to the Divisional Court of the original Bill.

7. The District Judge corresponds to the Assistant Judge of the original Bill, but his position as controlling the administration of civil justice in the district in somewhat the same manner as the District Magistrate under the Criminal Procedure Code controls the administration of criminal justice is more clearly brought out; and (section 23) his Court is, subject to certain exceptions, made the District Court for the purposes of those Acts which confer special powers on a District Court.

8. The Subordinate Judge corresponds to the Subordinate Judge of the first class of the original Bill, but we have, instead of fixing a pecuniary limit to his jurisdiction as in section 36 of the original Bill, empowered the Local Government to do so (section 26). It will thus be in the power of the Local Government to limit the jurisdiction of a Subordinate Judge to any sum it thinks fit, or to confer upon him the unlimited jurisdiction exercised by a District Judge in original suits.

9. The Munsif of the amended Bill is intended to comprise the second, third and fourth classes of Subordinate Judges of the original Bill, and his powers in original suits have been dealt with in a manner similar to that just described; that is to say, it is left (section 26) to the Chief Court to invest each Munsif with such powers as it thinks fit, provided that the limit of value does not exceed Rs. 1,000, which was the limit for Subordinate Judges of the second class under section 36 of the original Bill.

10. It will be observed that section 19 introduces an important change as regards the constitution of the Divisional Court; but as that change will be more conveniently explained when we come to speak of the appellate jurisdictions, it only remains to notice here that we have in the proviso to section 21 put the restriction on the powers of one of several Judges of a Divisional Court sitting alone on the same footing as the similar restriction in the case of the Chief Court (*supra*, paragraph 3).

11. We have inserted a new section (29), similar to section 27 of the Bengal Courts Act, providing for the transfer to a Subordinate Judge or Munsif of business under Act XXVII of 1860, Act XL of 1858 and Act IX of 1861.

12. In the section (now 30) which empowers the Local Government to confer the powers of a Small Cause Court Judge on certain judicial officers, we have, as in other cases, omitted all minute specification of pecuniary limits, and simply provided that the Local Government may confer such powers as it thinks fit within the limit of Rs. 500.

13. In dealing with a Bill of this description it is impossible to overlook the difficulties which present themselves in connection with the valuation of certain classes of suits for the purpose of determining the original jurisdiction and the course of appeal. The question of the simplest mode of valuing suits for the recovery of land is at present under the consideration of the Government of India, and we have not accordingly felt ourselves called upon to take it up; but there are certain other classes of suits which in the absence of any special provision for their valuation would be left in a very unsatisfactory position, namely, suits the subject of which does not admit of valuation on any intelligible basis. Such suits are usually valued at some low figure, and consequently may be heard without any reference to their importance or difficulty by Courts of the inferior grades. The necessity for making some special provision for them on the present occasion is the greater, inasmuch as, under the present Bill, the course of appeal will depend to a greater extent than before on the valuation.

We have accordingly introduced a new section (32) providing that, where the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that such suits shall be treated as if the subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

14. The only other provision of this chapter which appears to call for notice is section 36. As we have explained, it is intended that the District Judge should have the general control of the administration of civil justice throughout his district; but there may be cases, as *e.g.*, that of Kulu, in which it would be convenient to delegate this control to a Subordinate Judge in some outlying portion of the district in somewhat the same way as certain powers of a District Magistrate are delegated to a Sub-divisional Officer under the Code of Criminal Procedure; and accordingly a power to effect such a delegation has been taken.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

15. We have omitted the words in the opening section of this chapter which conferred a power to place other classes of suits on the same footing as mufassal small causes for the purposes of appeal, the object in view being now sufficiently met by the new definition of "small cause" (in section 3), which gives power to place small causes within the *meaning* of the Presidency-towns Small Cause Courts Act on the same footing as mufassal small causes.

16. We have, moreover, restricted this section, as we have the entire chapter, to appeals from decrees as distinguished from orders, the latter being sufficiently provided for by the Code of Civil Procedure.

17. The subject of further appeals, which is dealt with in the following section, is one which has given rise to much discussion, and which is surrounded on all sides with difficulties of a serious nature. We have given to it the most careful and prolonged consideration, and have come to the conclusion that the right of further appeal allowed by the Bill as introduced must be extended in some important particulars.

The Bill as introduced allowed a further appeal from the appellate decree of a Divisional Bench only in two cases, namely, if the Judges differed *or* if some question of law or custom or of general interest was involved; and in these cases it did not allow the appeal as a matter of right, but only if both Judges, or when one had left the Court, the remaining one, certified that the case was of sufficient importance to justify a further appeal. Under the Bill as now amended a further appeal will lie as a matter of right and without any certificate from a Divisional Bench in all cases where the Judges differ. There will, moreover, be a further appeal in all cases in which any one Judge certifies that there is a question of law or custom or general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal. And, lastly, there will be a further appeal in cases of a class altogether new and not contemplated in the original Bill, namely, where the value of the suit exceeds Rs. 500.

The proviso barring a further appeal in small causes when the value does not exceed Rs. 500 is retained.

18. We have, as already indicated, made another alteration which is of considerable importance, and which it is convenient to notice here.

The Bill as introduced required that the Divisional Courts should consist in all instances of at least two Judges, that except as expressly provided no decision should be reversed except by a bench of two Judges, and that the restrictions on further appeal which we have described should apply to all Divisional Courts. To that objection was taken on the ground that there may be a difficulty in finding in the Panjáb a sufficient number of competent officers to furnish two Judges for each of the Divisional Courts proposed. We need hardly say that if the objection were well-founded it would be a serious one, inasmuch as the strict limitations on the right of further appeal to the Chief Court imposed by the original Bill were framed in reliance on the strength of the Divisional Benches; and though those limitations have now been relaxed in the important particulars already described, the Bill still proceeds on the assumption that a Divisional Bench will be a stronger, more reliable and more satisfactory tribunal than the Court of a Commissioner ordinarily now is.

19. It is of course impossible for us to say whether the precise number of competent officers required to constitute Benches in all the proposed Divisions is to be found in the Panjáb at this moment, but we understand that the Lieutenant-Governor has no misgivings on the point, and we think it may be safely affirmed that the difficulty of procuring a sufficient number of competent officers for the Benches has been much exaggerated.

In order, however, to guard against every possibility of miscarriage, we have now modified the Bill in such a way that, if the Lieutenant-Governor finds, at any time, that the materials required for establishing a Bench in any particular Division are not immediately available, he can make the Divisional Court there consist of a single Judge (section 19), and in the event of his doing so a further appeal will, subject only to the proviso as to small causes contained in section 40, lie from that Judge's appellate decrees precisely as they lie at present from the appellate decrees of a Commissioner [section 40, clause (*b*)].

CHAPTER V.

REVENUE COURTS.

20. We have recast this chapter, assimilating it in form and arrangement to the portion of the Bill relating to Civil Courts, and supplying certain omissions in details, as, *e. g.*, provisions relating to ministerial officers, which it seems unnecessary to notice more particularly.

21. We have omitted from the list of suits cognizable by Revenue Courts given in the first section the so-called suits under section 40 of the Panjáb Tenancy Act, inasmuch as we find on reference to that Act that the proceedings in question are not suits but applications, and we think that the proper mode of dealing with them is to include them among the applications to be heard on the revenue side which are specified in section 42 of that Act, and from which they were apparently omitted by an oversight. We have accordingly added a section (75) to the Bill amending section 42 of the Tenancy Act so as to include them.

22. We have added to the list of suits cognizable by Revenue Courts "suits to determine disputes regarding boundaries of land" (*i.e.*, of agricultural land) "which have been fixed by

a Court or Revenue-officer." This addition has been advocated by several of the authorities consulted, and it appears to us to be a proper one, seeing that all that is ordinarily required for the decision of such disputes is the laying down on the ground of a boundary which is to be found in a map.

23. On the other hand, we have appended to the section a proviso which empowers the Local Government, after consulting the Chief Court, to retransfer to the Civil Courts the jurisdiction in any class of revenue cases cognizable in any part of the country where it appears desirable to do so.

24. We have for convenience sake divided the classes of suits into two groups, and at the instance of the Local Government included class (*d*), suits for ejectment of a tenant, in the group containing suits deemed to be of greater importance or difficulty.

25. We have in defining the powers of Assistant Commissioners and Tahsíldárs [section 46 (2)], following the same course as in the provisions relating to original civil jurisdiction, omitted all minute specification of pecuniary limits, and left it to the Local Government to fix those limits as it thinks fit.

26. We have for the same reason as in the preceding chapter omitted all reference to appeals from orders.

27. We have introduced a clause in the proviso to section 47, based on similar provisions in the Rent Laws of Bengal and the North-Western Provinces, giving power to bar appeals from decrees of certain classes of officers in money-suits when the amount involved does not exceed Rs. 100 and no question of importance, such as a question of title, is involved.

28. We have added a section (51) empowering the Local Government to confer on any person the judicial powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter.

29. We have, in order further to provide a means of relieving the Revenue Courts of the necessity of disposing of particular matters which may be found to be more proper for consideration by the Civil Courts, introduced two new sections (54 and 55).

The first of these is copied with certain modifications from section 208A of the North-Western Provinces Rent Act, 1881, and is intended to take the place of section 40 of the original Bill, which has been the subject of adverse criticism. It empowers a Revenue Court, when it considers that any question in issue before it is more proper for decision by a Civil Court, to require any party to institute a suit in the Civil Court with a view to obtaining a decision on the question. If he fails to comply with the requisition, the Revenue Court is empowered to decide the question against him, but is not bound to do so, as under the corresponding provision of the North-Western Provinces Act. If the party institutes the suit in the Civil Court, the Revenue Court will follow the decision of that Court.

30. It has been suggested that any provision of this sort is superfluous, inasmuch as a Revenue Court being a Court of limited jurisdiction, and its decision in one case being accordingly, under section 13 of the Code of Civil Procedure, binding in other cases only to a limited extent, it may safely be compelled to decide all questions arising incidentally in any suit before it, even though they may be questions which would be obviously more proper for the consideration of a Civil Court.

To this view of the matter we are unable to assent.

31. It is undoubtedly true that in many cases, probably in the great majority of cases, it is best for all parties that the Revenue Court should take upon itself to decide all questions incidentally arising in the suit, even though some of them might be of a nature more proper for the consideration of a Civil Court. This would clearly be the right course for the Revenue Court to take when the question is a simple one and can be quickly disposed of, or when it is one not likely to arise subsequently between the parties in any other connection; but it seems equally clear that when, as must occasionally happen, some complicated and difficult question arises in a revenue-suit, and is certain to arise again between the parties unless it is finally settled, a Revenue Court ought to be allowed some discretion of the sort proposed. For, if some such discretion is not allowed, what must be the result? The question must be tried out at a great expenditure of time and money to all concerned by the Revenue Court, which *ex hypothesi* is not the best Court to try it. It may then go in appeal to the higher Revenue Courts, probably in the last resort to the Financial Commissioner, and, after all, as the decision obtained will not be binding except for certain limited purposes, the whole litigation may commence *de novo* and run a similar course through the Civil Courts.

It is in order to provide a means of avoiding scandals of this sort that we have introduced the section in question.

32. We are quite aware that the power it confers might be abused by an indolent Revenue-officer if he were free to resort to it at pleasure, but we have guarded against this by making the sanction of the immediately superior Court a condition precedent to its exercise.

33. Section 55, to which there is nothing corresponding in the original Bill, empowers the Financial Commissioner to refer to the Chief Court a point of law which he considers that Court is more competent to decide.

34. We trust that these two sections and the proviso which we have appended to section 45 (see *supra*, paragraph 23) will suffice to remove the apprehensions which have been expressed in some quarters that the Bill may force upon the Revenue Courts duties which they will be incompetent to discharge.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

35. We have omitted section 63 of the original Bill, which provided for consultations between the two Financial Commissioners, as it is unnecessary to provide for such a matter by legislative enactment and the proposal to do so gave rise to some misapprehension.

36. We have likewise omitted section 66 of the original Bill, which expressly prohibited a judicial officer from disposing of a case in which he might appear to be interested. We are aware that such provisions have long found a place in our Courts Acts, but we think the matter is one on which legislation may well be dispensed with, the general principles applicable to it being perfectly well understood.

37. Section 68 of the original Bill, which reproduced section 48 of the present Panjáb Courts Act, gave power to the Government to appoint a single Judge to exercise the Chief Court's superintending functions. This power has never been exercised, and we are informed that the Government have no desire to retain it. We have accordingly omitted the section.

38. Sections 73 and 74 of the original Bill, which provide for the enhancement of the court-fees upon applications to the Chief Court for revision under section 622 of the Code of Civil Procedure, were introduced with a view to discouraging such applications. We fully approve of their provisions and have retained them in the revised Bill. From statistics put before us by our hon'ble colleague Mr. Barkley it appears that such applications have of late been increasing to a formidable extent in the Panjáb; and, as observed by him when he asked for leave to introduce the Bill, they are certain to increase with greater rapidity if the provisions of the Bill, which give greater finality to the decisions of the Lower Appellate Courts, become law. Moreover, from the circumstance that only about one-sixth of the applications now made to the Chief Court are successful, it may be gathered that Panjáb litigants when debarred from appealing are tempted to incur the serious trouble and expense involved in making such applications, even where there may not be the slightest prospect of success. This appears to us to be a serious evil, and the only question has been whether the increase of the court-fee proposed in the original Bill would be enough to check it. The better opinion appears to us to be that it would have but a slight effect in that direction, and that nothing short of an alteration of section 622 of the Code as applied to the Panjáb will suffice.

39. We find that a considerable divergence of opinion has arisen between some of the highest Courts in the country as to the nature of the grounds required to support an application under that section. A full bench of the Allahabad High Court has held (I. L. R. 3 All. 203) that any grounds on which a second appeal would lie are sufficient. The practical result of this, as admitted by two of the learned Judges, is that section 622 of the Code gives a second appeal in all those cases in which the earlier sections of the Code expressly deny it. It may, no doubt, be said that the Court has a discretion under section 622 to interfere or not as it thinks fit, but we apprehend that as a rule a High Court holding the opinion just referred to, and finding what would be a good ground for special appeal made out, would be in practically the same position as if it were considering a special appeal under section 551.

40. A view which is probably more in accordance with that of those who framed the section was taken by a full bench of the Bombay High Court in a case reported in I. L. R. 7 Bom. 341. The conclusion to which the Court came in that case may be stated to be that the jurisdiction conferred by section 622 of the Code is an extraordinary jurisdiction to be exercised only in extraordinary cases, and that the precise circumstances under which it is to be exercised is left to the discretion of the Court and cannot be defined.

The question has not yet come before a full bench of the Panjáb Chief Court. It is impossible to predict what the result of its being fully considered by that Court would be; and, having regard to its intimate connection with the working of the present Bill, we do not think the matter should be left in uncertainty.

41. The root of the difficulty which has sprung up in connection with the section appears to lie in that portion of the wording introduced into the Code by Act XII of 1879, which empowers the High Court to interfere on the ground that the Lower Court has acted "illegally." The Allahabad High Court has construed this as justifying the High Court's interference whenever the Court below has erred on a question of law, and it is on this point mainly that the Bombay Court has dissented from the Allahabad decision. The divergence of opinion will no doubt have eventually to be met by an amendment of the Code, but the matter is not very pressing, where, as in most parts of the country at present, the proportion of cases in which appeals to the High Court are barred is comparatively small and a tendency to resort recklessly to the section has not developed itself among litigants.

42. In the Panjáb, on the contrary, the question is already pressing, and will become more so if this Bill is passed. We are therefore compelled to deal with it separately for that province; and the conclusion to which we have come after the most careful consideration, and having regard to the special circumstances of the Province and the peculiar features of the appellate system now proposed, is that the extraordinary jurisdiction conferred by section 622 of the Code should be exerciseable only on the ground that the lower Court has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction with material irregularity. We propose, therefore (section 70 of the Bill), to limit the scope of section 622 of the Code in this way, and we believe that when so limited it will still be sufficiently wide to cover all cases which call for the exercise of revisional as distinguished from appellate jurisdiction.

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

In English.

Gazette.	*Date.*
Gazette of India	5th, 12th and 19th July, 1884.
Panjáb Government Gazette	10th, 17th and 24th July, 1884.

In the Vernacular.

Province.	*Language.*	*Date.*
Panjáb	... Urdu ...	28th July, and 4th and 11th August, 1884.

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

D. G. BARKLEY.
J. GIBBS.
C. P. ILBERT.
[redacted]

The 25th September, 1884.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 18, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October, 1884 :—

No. 14 of 1884.

A Bill to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

V of 1877. XXI of 1883.

WHEREAS it is expedient to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows :—

1. The Straits Settlements Emigration Act, 1877, is repealed. V of 1877.

2. For section 102 of the Indian Emigration Act, 1883, the following section shall be substituted :— XXI of 1883.

New section substituted for section 102 of Act XXI of 1883.

"102. On and from such a date as the Governor General in Council may, by notification in the *Gazette of India*, fix in this behalf, a Native of India who departs by sea out of British India under an agreement to labour for hire in any protected Native State adjoining the Straits Settlements to which the notification refers shall not be deemed to emigrate within the meaning of this Act."

Power for Governor General in Council to exempt emigration to Native States adjoining the Straits Settlements from Act.

STATEMENT OF OBJECTS AND REASONS.

THE main object of this Bill is to repeal Act V of 1877 (the Straits Settlements Emigration Act, 1877), which extends only to the Madras Presidency. It is dictated by the policy which recently led to the enactment of Act VII of 1883, (to repeal the British Burma Labour Law, 1876.) As in the case of Burma, it is found that there is a system of "free emigration" to the Straits which not only competes with, but altogether distances, the Government system for which Act V of 1877 provides. From the information before it, the Government of India is of opinion that that Act has impeded instead of promoting emigration, that labour flows as naturally to and from the Straits as it does between Burma and India, and that attempts to control its movement in British territory merely induce it to seek an outlet from the French ports of Pondicherry and Karikal. Such provisions as in the opinion of the Government are necessary for the protection and control of the Indian immigrant after his arrival in the Straits have been embodied in a revised Labour Regulation, which is now before the Straits legislature, and will, it is expected, shortly become law. Under these circumstances, the Government of India considers that emigration from India to the Straits should be uncontrolled by law in this country save as regards the requirements of the Native Passengers Ships Act.

2. The repeal of Act V of 1877 necessitates, however, an amendment of section 102 of Act XXI of 1883 (the Indian Emigration Act, 1883). The first sub-section of that section provides for the extension of Act V of 1877 to other parts of British India. As the Act is itself now being repealed, it is clear that this sub-section should be repealed also. The second and third sub-sections of that section give the Governor General in Council power by notification to include any of the protected Native States adjoining the Straits Settlements within

the scope of any law relating to emigration to those Settlements, and exempt, on and from the date of any such notification, emigration to the protected State specified therein from the operation of Act XXI of 1883. Though there will no longer be any special law relating to emigration to the Straits, it is deemed desirable to retain the power, which these sub-sections confer, of exempting emigration to the protected States from Act XXI of 1883. A new section has therefore been substituted by section 2 of the Bill for section 102 of Act XXI of 1883 empowering the Governor General in Council to exempt emigration to the protected States from that Act whenever he considers such exemption to be desirable.

The 25th September, 1884.

S. C. BAYLEY.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Report of the Select Committee on the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

WE, the undersigned members of the Select Committee to which the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 289-1L., dated 9th September, 1884 [Paper No. 1].
Telegram from Chief Commissioner, British Burma, dated 15th September, 1884 [Paper No. 2].

2. The following is an extract from the Chief Commissioner's telegram of the 15th instant:—

"Opinions received on Burma Gaming Bill induce me to urge following points:—

"*First*, we must make touts for *ti* punishable; so please, after word 'players' in [illegible]

"*Second*, I fear Courts may unduly restrict meaning of word 'place'; therefore, for first eight words in clause (2), section 3, please substitute words 'every place, whether enclosed or unenclosed.'

Thirdly, our 1st class Magistrates are few; therefore please add clause as follows:—

'The Local Government may specially authorize any Magistrate of the 2nd class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the district.'

Fourthly, we want power to arrest touts in public places; therefore please add clause as follows:—

'A police-officer may apprehend without warrant any person soliciting or collecting stakes for *ti* or any other game of like nature in any public street, place or thoroughfare.'

"*Fifthly*, on advice of officers consulted, I agree that section 2 of Bill may be omitted."

3. We have adopted all these suggestions except the second; and, though the Chief Commissioner adds that he lays much stress on that suggestion, we do not think it would be possible to adopt it, at least in the shape in which he proposes it. It must be remembered that the Bill is not an independent measure, but is to be read with Act III of 1867; and, if the provisions of that Act relating to common gaming-houses be referred to, it will, we think, be found that some at least of them are such that if every "place," without any distinction or limitation whatever, was to be made a "common gaming-house," they could not fairly or reasonably be applied. It may indeed be doubted whether, apart from all consideration of the harshness which the proposed amendment would involve, some of those provisions could be applied to every "place" indiscriminately without giving rise to something approaching an absurdity.

4. We have, we need hardly say, considered whether it might not be desirable to give some extension to the definition of "common gaming-house" short of that proposed by the Chief Commissioner; but we think, having regard to English decisions on the provisions of Statutes worded in a manner somewhat similar to Act III of 1867 and the

present Bill, that the definition is as wide as it is desirable to make it. We think we may reasonably count on its being held, with reference to those decisions, to include all places which are sufficiently analogous to a house, walled enclosure or room to admit of being reasonably and fairly treated as gambling-houses for the purposes of the Act.

5. It must be remembered that the question here involved has little or no importance in practice except in its bearing on the position of persons who are induced to take tickets in the *ti*; for the managers and their assistants will in all cases be subject to severe penalties under separate provisions, which are completely independent of the definition of common gaming-house; and, as regards mere ticket-holders, it appears to us that it is sufficient if they are punishable under the common gaming-house provisions of the Bill and the Act as they now stand, and under the 13th section of the Act for gambling in public. We have, however, amended the last-mentioned section so as to give it a somewhat wider range in British Burma than it has elsewhere.

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

In English.

Gazette.	*Date.*
Gazette of India	30th August, and 6th and 13th September, 1884.
British Burma Gazette	13th September, 1884.

In the Vernaculars.

Province.	*Language.*	*Date.*
British Burma ...	Burmese ...	13th 20th, and 27th September, 1884.

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

C. P. ILBERT.
C. U. AITCHISON.
J. GIBBS.
J. W. QUINTON.

The 25th September, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Report of the Select Committee on the Bill to amend the Law relating to Local Self-government in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

WE, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Local Self-government in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 678-8R.M., dated 27th September, 1883, and enclosures [Papers No. 1].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 88-8R.M., dated 4th October, 1883, and enclosures [Papers No. 2].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 348-8R.M., dated 17th October, 1883, and enclosures [Papers No. 3].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 537-8R.M., dated 27th December, 1883, and enclosure [Papers No. 4].
Office Memorandum from Home Department, No. 762, dated 9th May, 1884, and enclosures [Papers No. 5].
From Officiating Secretary to Chief Commissioner, British Burma, No. 481-1G.M., dated 17th June, 1884, and enclosure [Papers No. 6].

2. The Bill as now amended [illegible] at a glance to differ considerably from the Bill as introduced. The difference is chiefly to three points.

3. In the first place, there has been a change in the main plan and scope of the measure. As explained in the Statement of Objects and Reasons, the original Bill was framed with a view to the inclusion within municipalities of adjoining rural areas. This course was taken, on the advice of the Local Government, in order to meet the requirements of certain rural tracts, until such time as it might be found possible to establish a system of local boards for rural districts.

From the papers since submitted, however, it appears that, upon fuller consideration, the weight of opinion is against the attempt to include in one municipality urban and rural tracts; and the Chief Commissioner now recommends that the Bill be confined, as we believe all the Municipal Acts on our Statute-book are, to urban tracts, the matter of local self-government in rural tracts being left to be dealt with separately hereafter.

In this recommendation we concur. The difficulty of framing the provisions of the Bill so as to fit in with conditions so essentially different as those of the towns and the adjoining tracts of country has turned out to be greater than was anticipated, and the call for the establishment of a system of local self-government in the rural tracts of British Burma is not so pressing as to justify our running the risk of passing an unsatisfactory measure for the sake of at once meeting it. We have accordingly reduced the Bill to the form of a Municipal Bill pure and simple.

4. Another difference between the original Bill and the present Bill is due to our having, at the request of the Chief Commissioner, adopted the course taken by the Select Committee on the Panjáb Municipal Bill of substituting for wide general powers to make rules detailed provisions regarding nuisances and other matters affecting the public health, safety and convenience. It is in this way that most of the new sections contained in Chapters VI and VII of the amended Bill are to be accounted for.

5. Lastly, the greater light thrown upon the needs of municipal government and on the difficulties likely to present themselves in the application of a Municipal Act by the prolonged discussions which took place in the Select Committee on the Panjáb Bill has led to numerous amendments in, or additions to, the Bill of minor importance. As examples we may refer to—

Section 27 (*e*) (distribution of executive powers and duties);

Section 28 (extraordinary powers of president and vice-president in case of emergency);

Sections 44 and 88 (powers to impose a scavenging-tax and to undertake the scavenging of private premises);

Sections 51-57 (special rules applicable to taxation of immoveable property);

Sections 60 and 61 (constitution and application of the municipal fund);

Sections 65-67 (provisions relating to municipal property);

Section 138 (settlement of disputes);

Sections 151-153 (relating to notices); and

Section 158 (which confers a power to exempt a municipality from any provisions of the Act which appear unsuitable to it).

This last section, we may observe, is specially necessary in view of the numerous and somewhat elaborate provisions now contained in Chapters VI and VII, some of which would probably be unsuitable in small municipalities.

6. We have now to notice such of the more important alterations of the Bill as are not accounted for by the foregoing remarks, or as otherwise seem to call for explanation.

7. Section 12 of the original Bill, which required a member of the municipal body to vacate his seat when appointed to a salaried municipal office, and section 29, which provided for the payment of fees to members for attendance at meetings, have been omitted; the former because it is not thought advisable that any person while a member of a committee should be appointed to a salaried office under the committee, and the latter because a municipal area can now comprise only a town and its immediate suburbs, and the members of the committee, being residents of that area and not having to travel any distance to the meetings, may reasonably be expected to give their services gratuitously.

8. We have, following the course taken in the Panjáb Bill, limited the rates to be imposed for water, lighting and scavenging only by providing (in effect) that they shall not exceed what is requisite to defray the cost of the services for which they are levied; and we have, as in the Panjáb Bill, provided that the proceeds of these rates shall be carried to the one municipal fund, separate accounts only being kept, instead of constituting separate funds.

9. We have substituted for section 47 of the original Bill, which required a municipal committee to make grants-in-aid to schools in accordance with such rules as the Government might make, a section (62) specifically appropriating to educational purposes the income for schools and all sums acquired by the committee in trust for educational purposes, and further requiring the assignment for educational purposes from the general municipal revenues of such sum annually, not being more than 5 per cent. of the gross annual income of the municipality, as the Local Government may fix.

This section has been suggested by the Chief Commissioner with the view of meeting practical difficulties which have occurred in British Burma, and is, in his opinion, indispensable for the purpose of carrying out the educational policy which has recently been established in that province, and under which the municipalities, whilst relieved of police-charges, have been required to provide for the maintenance of local schools. It will be observed that the section, while it compels the committee to devote a certain minimum of its funds to educational purposes, imposes no such restriction as might have been imposed under the original section as regards the particular objects on which the money shall be spent.

10. The Chief Commissioner has in an unofficial communication proposed certain modifications in and additions to the new provisions introduced from the Panjáb Bill in Chapters VI and VII. Most of these are of minor importance, and we have in general adopted them, omitting only such as appeared to us superfluous or unnecessarily stringent. In one instance we, however, have found it necessary to omit a section of considerable importance proposed by the Chief Commissioner, namely, a section similar to section 14 of Act XLVIII of 1860 giving a certain power of control over brothels and other disorderly houses; but that section we have omitted merely because we think the matter is one to be dealt with by the Magistrates and police rather than by a municipal committee.

11. The only other point which appears to call for notice in connection with this portion of the Bill is that we have substituted two sections (126 and 127) based on similar sections in the Public Health Act, 1875, for a section proposed by the Chief Commissioner, to guard against the spread of infectious diseases through the medium of public conveyances.

12. Sections 49 to 51 of the original Bill provided for the exercise by a municipal committee or its members of certain magisterial powers in nuisance cases. We have omitted these sections for the same reasons that have led to the omission of the corresponding sections of other Municipal Bills recently before the Council, namely, that a section like section 49 could have little practical effect, and that it is not desirable that the powers given by the other two sections should be conferred.

13. We have not thought it advisable to adopt a proposal made by the Chief Commissioner that the Local Government should be empowered to invest municipal officers with the powers of police-officers for the purposes of section 34 of the Police Act (V of 1861).

14. We have added a clause to section 133 providing that the powers of control over municipalities, conferred by that section on the Commissioner and Deputy Commissioners, shall, in the case of the municipalities of Rangoon, Moulmein, Akyab and Bassein, be exercised not by those officers but by the Local Government.

15. Lastly, we have to state that we have considered a proposal of the Chief Commissioner to the effect that the appropriation provisions of the Bill should be modified in such a manner as to admit of a municipal committee subscribing to a public band or contributing to fireworks or the like on great occasions. We have not adopted this proposal, because the objects in question appear to us to lie beyond the sphere of the purposes for which municipal taxation is raised in this country.

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

In English.

Gazette.		*Date.*
Gazette of India	...	21st and 28th July, and 4th August, 1883.
British Burma Gazette	...	11th, 18th and 25th August, 1883.

In the Vernaculars.

Province.		*Language.*		*Date.*
British Burma	...	Burmese	...	25th August, and 1st and 8th September, 1883.

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

C. P. ILBERT.

J. GIBBS.

T. C. HOPE.

J. W. QUINTON.

D. G. BARKLEY.

The 25th September, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Report of the Select Committee on the Bill to amend the law relating to Courts in the Panjáb was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

WE, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Courts in the Panjáb was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Extract from the *Tribune* of 5th July, 1884 [Paper No. 1].
Extract from the *Tribune* of 12th July, 1884 [Paper No. 2].
Extract from the *Hindoo Patriot* of 14th July, 1884 [Paper No. 3].
Extract from the *Tribune* of 19th July, 1884 [Paper No. 4].
Extract from the *Tribune* of 26th July, 1884 [Paper No. 5].
Extract from the *Tribune* of 2nd August, 1884 [Paper No. 6].
Extract from the *Tribune* of 9th August, 1884 [Paper No. 7].
Extract from the *Tribune* of 16th August, 1884 [Paper No. 8].
From Officiating Secretary to Government, Panjáb, No. 407S., dated 26th August, 1884, and enclosures [Papers No. 9].
Extract from the *Civil and Military Gazette* of 21st August, 1884 [Paper No. 10].
From Presidents, Indian Associations, Lahore, dated 20th August, 1884, and enclosures [Papers No. 11].
Extract from the *Tribune* of 23rd August, 1884 [Paper No. 12].
Extract from the *Civil and Military Gazette* of 25th August, 1884 [Paper No. 13].
From Officiating Secretary to Government, Panjáb, No. 447S., dated 4th September, 1884, and enclosure [Papers No. 14].
From Officiating Secretary to Government, Panjáb, No. 445S., dated 6th September, 1884, and enclosure [Papers No. 15].
Endorsement by Officiating Under-Secretary to Government of India, Home Department, No. 1215, dated 15th September, 1884, and enclosures [Papers No. 16].

2. We have rearranged the provisions of the Bill in a manner which we trust will make them more readily intelligible; and in the following remarks we shall as far as possible take the sections in their new order.

CHAPTER II.

THE CHIEF COURT.

3. It will be observed that under the proviso to section 8, sub-section (1), a single Judge of the Chief Court is prohibited from revising or modifying any proceeding of a lower Court except an "order" within the meaning of the Code of Civil Procedure. The restriction thus imposed does not, we believe, differ to any important extent from that contained in the corresponding provision (section 21, proviso) of the original Bill, and it relieves us of the necessity of using the phrase "interlocutory order," to which some difficulty attached.

4. We have also modified the last sub-section of section 8 by placing in the hands of the Senior Judge the power of determining which Judges of the Chief Court shall sit alone and which shall constitute benches, instead of leaving the power to be delegated by the Court to such Judge as it might think fit.

5. We have in section 14 added to the matters in respect of which the Chief Court is empowered to make rules—

(1) the translation of papers filed in the Chief Court and copying or printing any such papers or translations, and the payment by parties of the expenses thereby incurred; and

(2) the procedure in cases where a person is entitled to inspect a record of any Court or obtain a copy of it, and the fees payable for searches and copies.

We believe that these matters have long been dealt with by the Chief Court at its discretion, and we think it well that the power to deal with them should be placed on a legal basis.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

6. The enumeration of the subordinate Civil Courts in section 17* differs from that in section 4 of the original Bill, but the substantive changes involved are smaller than might at first sight be supposed.

* (*a*) The Divisional Court.
(*b*) The Court of the District Judge.
(*c*) The Court of the Subordinate Judge.
(*d*) The Court of the Munsif.

The Divisional Court corresponds, with certain modifications, which we shall presently have to notice, to the Divisional Court of the original Bill.

7. The District Judge corresponds to the Assistant Judge of the original Bill, but his position as controlling the administration of civil justice in the district in somewhat the same manner as the District Magistrate under the Criminal Procedure Code controls the administration of criminal justice is more clearly brought out; and (section 23) his Court is, subject to certain exceptions, made the District Court for the purposes of those Acts which confer special powers on a District Court.

8. The Subordinate Judge corresponds to the Subordinate Judge of the first class of the original Bill, but we have, instead of fixing a pecuniary limit to his jurisdiction as in section 36 of the original Bill, empowered the Local Government to do so (section 26). It will thus be in the power of the Local Government to limit the jurisdiction of a Subordinate Judge to any sum it thinks fit, or to confer upon him the unlimited jurisdiction exercised by a District Judge in original suits.

9. The Munsif of the amended Bill is intended to comprise the second, third and fourth classes of Subordinate Judges of the original Bill, and his powers in original suits have been dealt with in a manner similar to that just described; that is to say, it is left (section 26) to the Chief Court to invest each Munsif with such powers as it thinks fit, provided that the limit of value does not exceed Rs. 1,000, which was the limit for Subordinate Judges of the second class under section 36 of the original Bill.

10. It will be observed that section 19 introduces an important change as regards the constitution of the Divisional Court; but as that change will be more conveniently explained when we come to speak of the appellate jurisdictions, it only remains to notice here that we have in the proviso to section 21 put the restriction on the powers of one of several Judges of a Divisional Court sitting alone on the same footing as the similar restriction in the case of the Chief Court (*supra*, paragraph 3).

11. We have inserted a new section (29), similar to section 37 of the Bengal Courts Act, providing for the transfer to a Subordinate Judge or Munsif of business under Act XXVII of 1860, Act XL of 1858 and Act IX of 1861.

12. In the section (now 30) which empowers the Local Government to confer the powers of a Small Cause Court Judge on certain judicial officers, we have, as in other cases, omitted all minute specification of pecuniary limits, and simply provided that the Local Government may confer such powers as it thinks fit within the limit of Rs. 500.

13. In dealing with a Bill of this description it is impossible to overlook the difficulties which present themselves in connection with the valuation of certain classes of suits for the purpose of determining the original jurisdiction and the course of appeal. The question of the simplest mode of valuing suits for the recovery of land is at present under the consideration of the Government of India, and we have not accordingly felt ourselves called upon to take it up; but there are certain other classes of suits which in the absence of any special provision for their valuation would be left in a very unsatisfactory position, namely, suits the subject of which does not admit of valuation on any intelligible basis. Such suits are usually valued at some low figure, and consequently may be heard without any reference to their importance or difficulty by Courts of the inferior grades. The necessity for making some special provision therefor on the present occasion is the greater, inasmuch as, under the present Bill, the course of appeal will depend to a greater extent than before on the valuation.

14. We have accordingly introduced a new section (32) providing that, where the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that such suits shall be treated as if the subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

15. The only other provision of this chapter which appears to call for notice is section 38. As there explained, it is intended that the District Judge should have the general control over the administration of civil justice throughout his district; but there may be cases, as in Kulu, in which it would be convenient to delegate this control to a Subordinate Judge in some outlying portion of the district in somewhat the same way as certain powers of the District Magistrate are delegated to a Sub-divisional Officer under the Code of Criminal Procedure; and accordingly a power to effect such a delegation has been taken.

CHAPTER IV.

APPEALS IN CIVIL CASES.

16. We have omitted the words [illegible] section of the original which conferred a power to place other classes of suits on the same footing as [illegible] small causes for the purposes of appeal, the object in view being now sufficiently met by the new definition of "small cause" (in section 3), which gives power to place small causes within the meaning of the Presidency-towns Small Cause Courts Act on the same footing as mufassal small causes.

16. We have, moreover, restricted this section, as we have the entire chapter, to appeals from decrees as distinguished from orders, the latter being sufficiently provided for by the Code of Civil Procedure.

17. The subject of further appeals, which is dealt with in the following section, is one which has given rise to much discussion, and which is surrounded on all sides with difficulties of a serious nature. We have given to it the most careful and prolonged consideration, and have come to the conclusion that the right of further appeal allowed by the Bill as introduced must be extended in some important particulars.

The Bill as introduced allowed a further appeal from the appellate decree of a Divisional Bench only in two cases, namely, if the Judges differed *or* if some question of law or custom or of general interest was involved; and in these cases it did not allow the appeal as a matter of right, but only if both Judges, or when one had left the Court, the remaining one, certified that the case was of sufficient importance to justify a further appeal. Under the Bill as now amended a further appeal will lie as a matter of right and without any certificate from a Divisional Bench in all cases where the Judges differ. There will, moreover, be a further appeal in all cases in which any one Judge certifies that there is a question of law or custom or general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal. And, lastly, there will be a further appeal in cases of a class altogether new and not contemplated in the original Bill, namely, where the value of the suit exceeds Rs. 500.

The proviso barring a further appeal in small causes when the value does not exceed Rs. 500 is retained.

18. We have, as already indicated, made another alteration which is of considerable importance, and which it is convenient to notice here.

The Bill as introduced required that the Divisional Courts should consist in all instances of at least two Judges, that except as expressly provided no decision should be reversed except by a bench of two Judges, and that the restrictions on further appeal which we have described should apply to all Divisional Courts. To that objection was taken on the ground that there may be a difficulty in finding in the Panjáb a sufficient number of competent officers to furnish two Judges for each of the Divisional Courts proposed. We need hardly say that if the objection were well-founded it would be a serious one, inasmuch as the strict limitations on the right of further appeal to the Chief Court imposed by the original Bill were framed in reliance on the strength of the Divisional Benches; and though those limitations have now been relaxed in the important particulars already described, the Bill still proceeds on the assumption that a Divisional Bench will be a stronger, more reliable and more satisfactory tribunal than the Court of a Commissioner ordinarily now is.

19. It is of course impossible for us to say whether the precise number of competent officers required to constitute Benches in all the proposed Divisions is to be found in the Panjáb at this moment, but we understand that the Lieutenant-Governor has no misgivings on the point, and we think it may be safely affirmed that the difficulty of procuring a sufficient number of competent officers for the Benches has been much exaggerated.

In order, however, to guard against every possibility of miscarriage, we have now modified the Bill in such a way that, if the Lieutenant-Governor finds, at any time, that the materials required for establishing a Bench in any particular Division are not immediately available, he can make the Divisional Court there consist of a single Judge (section 19), and in the event of his doing so a further appeal will, subject only to the proviso as to small causes contained in section 40, lie from that Judge's appellate decrees precisely as they lie at present from the appellate decrees of a Commissioner [section 40, clause (*b*)].

CHAPTER V.

REVENUE COURTS.

20. We have recast this chapter, assimilating it in form and arrangement to the [illegible] of the Bill relating to Civil Courts, and supplying certain omissions in details, as, *e.g.*, provisions relating to ministerial officers, which it seems unnecessary to notice more particularly.

21. We have omitted from the list of suits cognizable by Revenue Courts given in the first section the so-called suits under section 40 of the Panjáb Tenancy Act, inasmuch as we find on reference to that Act that the proceedings in question are not suits but applications, and we think that the proper mode of dealing with them is to include them among the applications to be heard on the revenue side which are specified in section 42 of that Act, and from which they were apparently omitted by an oversight. We have accordingly added a section (75) to the Bill amending section 42 of the Tenancy Act so as to include them.

22. We have added to the list of suits cognizable by Revenue Courts "suits to determine disputes regarding boundaries of land" (*i.e.*, of agricultural land), "which have been fixed by

a Court or Revenue-officer." This addition has been advocated by several of the authorities consulted, and it appears to us to be a proper one, seeing that all that is ordinarily required for the decision of such disputes is the laying down on the ground of a boundary which is to be found in a map.

23. On the other hand, we have appended to the section a proviso which empowers the Local Government, after consulting the Chief Court, to retransfer to the Civil Courts the jurisdiction in any class of revenue cases cognizable in any part of the country where it appears desirable to do so.

24. We have for convenience sake divided the classes of suits into two groups, and at the instance of the Local Government included class (*d*), suits for ejectment of a tenant, in the group containing suits deemed to be of greater importance or difficulty.

25. We have in defining the powers of Assistant Commissioners and Tahsíldárs [section 46 (2)], following the same course as in the provisions relating to original civil jurisdiction, omitted all minute specification of pecuniary limits, and left it to the Local Government to fix those limits as it thinks fit.

26. We have for the same reason as in the preceding chapter omitted all reference to appeals from orders.

27. We have introduced a clause in the proviso to section 47, based on similar provisions in the Rent Laws of Bengal and the North-Western Provinces, giving power to bar appeals from decrees of certain classes of officers in money-suits when the amount involved does not exceed Rs. 100 and no question of importance, such as a question of title, is involved.

28. We have added a section (51) empowering the Local Government to confer on any person the judicial powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter.

29. We have, in order further to provide a means of relieving the Revenue Courts of the necessity of disposing of particular matters which may be found to be more proper for consideration by the Civil Courts, introduced two new sections (54 and 55).

The first of these is copied with certain modifications from section 208A of the North-Western Provinces Rent Act, 1881, and is intended to take the place of section 49 of the original Bill, which has been the subject of adverse criticism. It empowers a Revenue Court, when it considers that any question in issue before it is more proper for decision by a Civil Court, to require any party to institute a suit in the Civil Court with a view to obtaining a decision on the question. If he fails to comply with the requisition, the Revenue Court is empowered to decide the question against him, but is not bound to do so, as under the corresponding provision of the North-Western Provinces Act. If the party institutes the suit in the Civil Court, the Revenue Court will follow the decision of that Court.

30. It has been suggested that any provision of this sort is superfluous, inasmuch as a Revenue Court being a Court of limited jurisdiction, and its decision in one case being accordingly, under section 13 of the Code of Civil Procedure, binding in other cases only to a limited extent, it may safely be compelled to decide all questions arising incidentally in any suit before it, even though they may be questions which would be obviously more proper for the consideration of a Civil Court.

To this view of the matter we are unable to assent.

31. It is undoubtedly true that in many cases, probably in the great majority of cases, it is best for all parties that the Revenue Court should take upon itself to decide all questions incidentally arising in the suit, even though some of them might be of a nature more proper for the consideration of a Civil Court. This would clearly be the right course for the Revenue Court to take when the question is a simple one and can be quickly disposed of, or when it is one not likely to arise subsequently between the parties in any other connection; but it seems equally clear that when, as must occasionally happen, some complicated and difficult question arises in a revenue-suit, and is certain to arise again between the parties unless it is finally settled, a Revenue Court ought to be allowed some discretion of the sort proposed. For, if some such discretion is not allowed, what must be the result? The question must be tried out at a great expenditure of time and money to all concerned by the Revenue Court, which *ex hypothesi* is not the best Court to try it. It may then go in appeal to the higher Revenue Courts, probably in the last resort to the Financial Commissioner, and, after all, as the decision obtained will not be binding except for certain limited purposes, the whole litigation may commence *de novo* and run a similar course through the Civil Courts.

It is in order to provide a means of avoiding scandals of this sort that we have introduced the section in question.

32. We are quite aware that the power it confers might be abused by an indolent Revenue-officer if he were free to resort to it at pleasure, but we have guarded against this by making the sanction of the immediately superior Court a condition precedent to its exercise.

33. Section 55, to which there is nothing corresponding in the original Bill, empowers the Financial Commissioner to refer to the Chief Court a point of law which he considers that Court is more competent to decide.

34. We trust that these two sections and the proviso which we have appended to section 45 (see *supra*, paragraph 23) will suffice to remove the apprehensions which have been expressed in some quarters that the Bill may force upon the Revenue Courts duties which they will be incompetent to discharge.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

35. We have omitted section 63 of the original Bill, which provided for consultations between the two Financial Commissioners, as it is unnecessary to provide for such a matter by legislative enactment and the proposal to do so gave rise to some misapprehension.

36. We have likewise omitted section 66 of the original Bill, which expressly prohibited a judicial officer from disposing of a case in which he might appear to be interested. We are aware that such provisions have long found a place in our Courts Acts, but we think the matter is one on which legislation may well be dispensed with, the general principles applicable to it being perfectly well understood.

37. Section 68 of the original Bill, which reproduced section 48 of the present Panjáb Courts Act, gave power to the Government to appoint a single Judge to exercise the Chief Court's superintending functions. This power has never been exercised, and we are informed that the Government have no desire to retain it. We have accordingly omitted the section.

38. Sections 73 and 74 of the original Bill, which provide for the enhancement of the court-fees upon applications to the Chief Court for revision under section 622 of the Code of Civil Procedure, were introduced with a view to discouraging such applications. We fully approve of their provisions and have retained them in the revised Bill. From statistics put before us by our hon'ble colleague Mr. Barkley it appears that such applications have of late been increasing to a formidable extent in the Panjáb; and, as observed by him when he asked for leave to introduce the Bill, they are certain to increase with greater rapidity if the provisions of the Bill, which give greater finality to the decisions of the Lower Appellate Courts, become law. Moreover, from the circumstance that only about one-sixth of the applications now made to the Chief Court are successful, it may be gathered that Panjáb litigants when debarred from appealing are tempted to incur the serious trouble and expense involved in making such applications, even where there may not be the slightest prospect of success. This appears to us to be a serious evil, and the only question has been whether the increase of the court-fee proposed in the original Bill would be enough to check it. The better opinion appears to us to be that it would have but a slight effect in that direction, and that nothing short of an abolition of section 622 of the Code as applied to the Panjáb will suffice.

39. We find that a considerable divergence of opinion has arisen between some of the highest Courts in the country as to the nature of the grounds required to support an application under that section. A full bench of the Allahabad High Court has held (I. L. R. 3 All. 203) that any grounds on which a second appeal would lie are sufficient. The practical result of this, as admitted by two of the learned Judges, is that section 622 of the Code gives a second appeal in all those cases in which the earlier sections of the Code expressly deny it. It may, no doubt, be said that the Court has a discretion under section 622 to interfere or not as it thinks fit, but we apprehend that as a rule a High Court holding the opinion just referred to, and finding what would be a good ground for special appeal made out, would be in practically the same position as if it were considering a special appeal under section 551.

40. A view which is probably more in accordance with that of those who framed the section was taken by a full bench of the Bombay High Court in a case reported in I. L. R. 7 Bom. 341. The conclusion to which the Court came in that case may be stated to be that the jurisdiction conferred by section 622 of the Code is an extraordinary jurisdiction to be exercised only in extraordinary cases, and that the precise circumstances under which it is to be exercised is left to the discretion of the Court and cannot be defined.

The question has not yet come before a full bench of the Panjáb Chief Court. It is impossible to predict what the result of its being fully considered by that Court would be; and, having regard to its intimate connection with the working of the present Bill, we do not think the matter should be left in uncertainty.

41. The root of the difficulty which has sprung up in connection with the section appears to lie in that portion of the wording introduced into the Code by Act XII of 1879, which empowers the High Court to interfere on the ground that the Lower Court has acted "illegally." The Allahabad High Court has construed this as justifying the High Court's interference whenever the Court below has erred on a question of law, and it is on this point mainly that the Bombay Court has dissented from the Allahabad decision. The divergence of opinion will no doubt have eventually to be met by an amendment of the Code, but the matter is not very pressing, where, as in most parts of the country at present, the proportion of cases in which appeals to the High Court are barred is comparatively small and a tendency to resort recklessly to the section has not developed itself among litigants.

42. In the Panjáb, on the contrary, the question is already pressing, and will become more so if this Bill is passed. We are therefore compelled to deal with it separately for that province; and the conclusion to which we have come after the most careful consideration, and having regard to the special circumstances of the Province and the peculiar features of the appellate system now proposed, is that the extraordinary jurisdiction conferred by section 622 of the Code should be exerciseable only on the ground that the lower Court has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction with material irregularity. We propose, therefore (section 70 of the Bill), to limit the scope of section 622 of the Code in this way, and we believe that when so limited it will still be sufficiently wide to cover all cases which call for the exercise of revisional as distinguished from appellate jurisdiction.

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

In English.

Gazette.	*Date.*
Gazette of India ...	... 5th, 12th and 19th July, 1884.
Panjáb Government Gazette ...	... 10th, 17th and 24th July, 1884.

In the Vernacular.

Province.	*Language.*	*Date.*
Panjáb	... Urdu	... 28th July, and 4th and 11th August, 1884.

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

D. G. BARKLEY.
J. GIBBS.
C. P. ILBERT.
S. C. BAYLEY.
J. W. QUINTON.

The 25th September, 1884.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 1, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884 :—

No. 15 OF 1884.

A Bill to amend the Oudh Estates Act, 1869.

WHEREAS it is expedient to amend the Oudh Estates Act, 1869; It is hereby enacted as follows :— I of 1869.

1. Subject to the saving in section 2 of this Act, for the definition of "registered" in section 2 of the said Act, there shall be deemed to have been substituted from the date of the passing of the said Act the following definition, namely :— Amendment of definition of "registered" in section 2 of Act I of 1869.

"Registered." "'Registered' means—

"(*a*) in the case of a will, registered according to the law for the time being in force relating to the registration of assurances, or deposited with a Registrar according to the law for the time being in force relating to the deposit of wills; and

"(*b*) in the case of any other instrument, registered according to the law for the time being in force relating to the registration of assurances."

2. Nothing in section 1 shall affect any will— Saving of certain wills.

(*a*) declared by a judicial decision pronounced before the twenty-third day of October, 1884, to be invalid on the ground that it was not registered in accordance with the provisions of the said Act; or

(*b*) of which the validity is being questioned on that ground in a suit commenced before the twenty-third day of October, 1884.

STATEMENT OF OBJECTS AND REASONS.

IT has recently been held by the Privy Council that a will that was deposited under the provisions of Part IX of Act VIII of 1871 was not "registered" within the meaning of section 13 and the definition in section 2 of the Oudh Estates Act 1869, which declares that "'registered' means registered according to the provisions of the rules relating to the registration of assurances for the time being in force in Oudh."

2. The consequences of this ruling, which affects also section 20 of the Act, where a similar provision occurs, are most important, since the procedure that is now pronounced to be inadequate to satisfy the requirements of the law has been constantly acted on. It is stated that the taluqdárs never suspected that the validity of wills formally deposited in the registration offices under sealed covers could be called in question. Moreover, it scarcely could have been intended that taluqdárs should be required to register their wills open, and it seems obvious that they cannot in the future be required to do so, which they will have to do under the decision of the Privy Council if the law remains unaltered.

3. Under these circumstances, it is considered advisable to amend Act I of 1869 so as to legalize the existing practice. This is done by the present Bill, and as the omission to fulfil the requirements of the law which has taken place in the past would seem to have been unintentional and due to a prevalent and hitherto undisputed misapprehension of its meaning, retrospective effect has been given to the amendment which covers all wills hitherto or at present only deposited and not registered, except wills already declared invalid by judicial decision or being questioned in a suit commenced before the date of the introduction of the Bill.

J. W. QUINTON.

The 23rd October, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884 :—

No. 16 OF 1884.

A Bill to amend Act XXII of 1881.

XXII of 1881. WHEREAS it is expedient to amend the Excise Act, 1881; It is hereby enacted as follows :—

In the said Act, after section 34, the following section shall be inserted :—

"34A. The Local Government may, from time to time, invest any police-officers of or above the grade of head constable, either by name or in virtue of their offices, with the powers conferred on excise-officers by sections 27, 28 and 29 of this Act; and every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an excise-officer within the meaning of this Act."

Power to invest police-officers with powers of excise-officers.

STATEMENT OF OBJECTS AND REASONS.

SECTION 46 of Act X, 1871, corresponding to section 59 of Act XXI of 1856, enabled Local Governments to confer on certain police-officers powers of searching for and seizing spirituous liquors and intoxicating drugs and arresting persons found in possession of them. These powers have been conferred and exercised up to the present time in the North-Western Provinces and Oudh, and are essential to the efficiency of the excise-administration, as no separate establishments for the prevention of smuggling are maintained in those provinces, and the land-revenue officials have little leisure for excise-duties.

2. The excise law came under revision in 1881 and was re-enacted in a somewhat simpler form by Act XXII of that year.

Section 24 of that Act gives Collectors power to appoint persons by name or by virtue of their office to be officers for the collection of the excise revenue, but as police-officers are not specially mentioned among the persons to be so appointed, and as section 20 of Act V, 1861, precludes the exercise by them of any such authority, it has been held that they cannot be appointed to discharge excise functions, and that the power of so employing them conferred upon Local Governments by Act X, 1871, has been taken away by the Act of 1881.

3. This seems to have escaped notice when Act XXII of 1881 was passed. In the Statement of Objects and Reasons, in the Report of the Select Committee and in the speeches of the Hon'ble Member in charge of the Bill, nothing whatever is said of depriving the Local Governments of the power hitherto enjoyed by them of employing police-officers on excise-duties. Mr. Whitley Stokes, accounting for the omissions in the later Act, stated that they were provided for by other enactments or were fit subjects for executive orders. The omission now brought to light does not fall under either of these categories, and it is impossible to suppose that a power held to be necessary for the excise-administration was taken away from Local Governments by a side wind.

4. The Government of the North-Western Provinces and Oudh urge that the omission should now be rectified, and with this object the present Bill is introduced.

J. W. QUINTON.

The 23rd October, 1884.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 8, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884:—

No. 15 of 1884.

A Bill to amend the Oudh Estates Act, 1869.

WHEREAS it is expedient to amend the Oudh Estates Act, 1869; It is hereby enacted as follows:— 1 of 1869.

1. Subject to the saving in section 2 of this Act, for the definition of "registered" in section 2 of the said Act, there shall be deemed to have been substituted from the date of the passing of the said Act the following definition, namely:— Amendment of definition of "registered" in section 2 of Act I of 1869.

"Registered." "'Registered' means—

"(*a*) in the case of a will, registered according to the law for the time being in force relating to the registration of assurances, or deposited with a Registrar according to the law for the time being in force relating to the deposit of wills; and

"(*b*) in the case of any other instrument, registered according to the law for the time being in force relating to the registration of assurances."

2. Nothing in section 1 shall affect any will— Saving of certain wills.

(*a*) declared by a judicial decision pronounced before the twenty-third day of October, 1884, to be invalid on the ground that it was not registered in accordance with the provisions of the said Act; or

(*b*) of which the validity is being questioned on that ground in a suit commenced before the twenty-third day of October, 1884.

STATEMENT OF OBJECTS AND REASONS.

IT has recently been held by the Privy Council that a will that was deposited under the provisions of Part IX of Act VIII of 1871 was not "registered" within the meaning of section 13 and the definition in section 2 of the Oudh Estates Act 1869, which declares that "'registered' means registered according to the provisions of the rules relating to the registration of assurances for the time being in force in Oudh."

2. The consequences of this ruling, which affects also section 20 of the Act, where a similar provision occurs, are most important, since the procedure that is now pronounced to be inadequate to satisfy the requirements of the law has been constantly acted on. It is stated that the taluqdárs never suspected that the validity of wills formally deposited in the registration offices under sealed covers could be called in question. Moreover, it scarcely could have been intended that taluqdárs should be required to register their wills open, and it seems obvious that they cannot in the future be required to do so, which they will have to do under the decision of the Privy Council if the law remains unaltered.

3. Under these circumstances, it is considered advisable to amend Act I of 1869 so as to legalize the existing practice. This is done by the present Bill, and as the omission to fulfil the requirements of the law which has taken place in the past would seem to have been unintentional and due to a prevalent and hitherto undisputed misapprehension of its meaning, retrospective effect has been given to the amendment which covers all wills hitherto or at present only deposited and not registered, except wills already declared invalid by judicial decision or being questioned in a suit commenced before the date of the introduction of the Bill.

J. W. QUINTON.

The 23rd October, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884 :—

No. 16 OF 1884.

A Bill to amend Act XXII of 1881.

XXII of 1881.

WHEREAS it is expedient to amend the Excise Act, 1881; It is hereby enacted as follows :—

In the said Act, after section 34, the following section shall be inserted :—

"34A. The Local Government may, from time to time, invest any police-officers of or above the grade of head constable, either by name or in virtue of their offices, with the powers conferred on excise-officers by sections 27, 28 and 29 of this Act; and every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an excise-officer within the meaning of this Act."

Power to invest police-officers with powers of excise-officers.

STATEMENT OF OBJECTS AND REASONS.

SECTION 46 of Act X, 1871, corresponding to section 59 of Act XXI of 1856, enabled Local Governments to confer on certain police-officers powers of searching for and seizing spirituous liquors and intoxicating drugs and arresting persons found in possession of them. These powers have been conferred and exercised up to the present time in the North-Western Provinces and Oudh, and are essential to the efficiency of the excise-administration, as no separate establishments for the prevention of smuggling are maintained in those provinces, and the land-revenue officials have little leisure for excise-duties.

2. The excise law came under revision in 1881 and was re-enacted in a somewhat simpler form by Act XXII of that year.

Section 24 of that Act gives Collectors power to appoint persons by name or by virtue of their office to be officers for the collection of the excise revenue, but as police-officers are not specially mentioned among the persons to be so appointed, and as section 20 of Act V, 1861, precludes the exercise by them of any such authority, it has been held that they cannot be appointed to discharge excise functions, and that the power of so employing them conferred upon Local Governments by Act X, 1871, has been taken away by the Act of 1881.

3. This seems to have escaped notice when Act XXII of 1881 was passed. In the Statement of Objects and Reasons, in the Report of the Select Committee and in the speeches of the Hon'ble Member in charge of the Bill, nothing whatever is said of depriving the Local Governments of the power hitherto enjoyed by them of employing police-officers on excise-duties. Mr. Whitley Stokes, accounting for the omissions in the later Act, stated that they were provided for by other enactments or were fit subjects for executive orders. The omission now brought to light does not fall under either of these categories, and it is impossible to suppose that a power held to be necessary for the excise-administration was taken away from Local Governments by a side wind.

4. The Government of the North-Western Provinces and Oudh urge that the omission should now be rectified, and with this object the present Bill is introduced.

J. W. QUINTON.

The 23rd October, 1884.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 15, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884:—

No. 15 OF 1884.

A Bill to amend the Oudh Estates Act, 1869.

WHEREAS it is expedient to amend the Oudh Estates Act, 1869; It is hereby enacted as follows:— I of 1869.

1. Subject to the saving in section 2 of this Act, for the definition of "registered" in section 2 of the said Act, there shall be deemed to have been substituted from the date of the passing of the said Act the following definition, namely:— Amendment of definition of "registered" in section 2 of Act I of 1869.

"Registered." "'Registered' means—

"(*a*) in the case of a will, registered according to the law for the time being in force relating to the registration of assurances, or deposited with a Registrar according to the law for the time being in force relating to the deposit of wills; and

"(*b*) in the case of any other instrument, registered according to the law for the time being in force relating to the registration of assurances."

2. Nothing in section 1 shall affect any will— Saving of certain wills.

(*a*) declared by a judicial decision pronounced before the twenty-third day of October, 1884, to be invalid on the ground that it was not registered in accordance with the provisions of the said Act; or

(*b*) of which the validity is being questioned on that ground in a suit commenced before the twenty-third day of October, 1884.

STATEMENT OF OBJECTS AND REASONS.

IT has recently been held by the Privy Council that a will that was deposited under the provisions of Part IX of Act VIII of 1871 was not "registered" within the meaning of section 13 and the definition in section 2 of the Oudh Estates Act 1869, which declares that "'registered' means registered according to the provisions of the rules relating to the registration of assurances for the time being in force in Oudh."

2. The consequences of this ruling, which affects also section 20 of the Act, where a similar provision occurs, are most important, since the procedure that is now pronounced to be inadequate to satisfy the requirements of the law has been constantly acted on. It is stated that the taluqdárs never suspected that the validity of wills formally deposited in the registration offices under sealed covers could be called in question. Moreover, it scarcely could have been intended that taluqdárs should be required to register their wills open, and it seems obvious that they cannot in the future be required to do so, which they will have to do under the decision of the Privy Council if the law remains unaltered.

3. Under these circumstances, it is considered advisable to amend Act I of 1869 so as to legalize the existing practice. This is done by the present Bill, and as the omission to fulfil the requirements of the law which has taken place in the past would seem to have been unintentional and due to a prevalent and hitherto undisputed misapprehension of its meaning, retrospective effect has been given to the amendment which covers all wills hitherto or at present only deposited and not registered, except wills already declared invalid by judicial decision or being questioned in a suit commenced before the date of the introduction of the Bill.

J. W. QUINTON.

The 23rd October, 1884.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884 :—

No. 16 OF 1884.

A Bill to amend Act XXII of 1881.

WHEREAS it is expedient to amend the Excise Act, 1881; It is hereby enacted as follows :— XXII of 1881.

In the said Act, after section 34, the following section shall be inserted :—

"34A. The Local Government may, from time to time, invest any police-officers of or above the grade of head constable, either by name or in virtue of their offices, with the powers conferred on excise-officers by sections 27, 28 and 29 of this Act; and every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an excise-officer within the meaning of this Act." Power to invest police-officers with powers of excise-officers.

STATEMENT OF OBJECTS AND REASONS.

SECTION 46 of Act X, 1871, corresponding to section 59 of Act XXI of 1856, enabled Local Governments to confer on certain police-officers powers of searching for and seizing spirituous liquors and intoxicating drugs and arresting persons found in possession of them. These powers have been conferred and exercised up to the present time in the North-Western Provinces and Oudh, and are essential to the efficiency of the excise-administration, as no separate establishments for the prevention of smuggling are maintained in those provinces, and the land-revenue officials have little leisure for excise-duties.

2. The excise law came under revision in 1881 and was re-enacted in a somewhat simpler form by Act XXII of that year.

Section 24 of that Act gives Collectors power to appoint persons by name or by virtue of their office to be officers for the collection of the excise revenue, but as police-officers are not specially mentioned among the persons to be so appointed, and as section 20 of Act V, 1861, precludes the exercise by them of any such authority, it has been held that they cannot be appointed to discharge excise functions, and that the power of so employing them conferred upon Local Governments by Act X of 1871, has been taken away by the Act of 1881.

3. This seems to have escaped notice when Act XXII of 1881 was passed. In the Statement of Objects and Reasons, in the Report of the Select Committee and in the speeches of the Hon'ble Member in charge of the Bill, nothing whatever is said of depriving the Local Governments of the power hitherto enjoyed by them of employing police-officers on excise-duties. Mr. Whitley Stokes, accounting for the omissions in the later Act, stated that they were provided for by other enactments or were fit subjects for executive orders. The omission now brought to light does not fall under either of these categories, and it is impossible to suppose that a power held to be necessary for the excise-administration was taken away from Local Governments by a side wind.

4. The Government of the North-Western Provinces and Oudh urge that the omission should now be rectified, and with this object the present Bill is introduced.

J. W. QUINTON.

The 23rd October, 1884.

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

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 6, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th December, 1884:—

No. 17 OF 1884.

A Bill to amend the law in force in the Pánch Maháls.

WHEREAS it is expedient that the law in force in the territory comprised in the Pánch Maháls should, on and from the first day of March, 1885, be the same as the law in force in the district of Kaira, in the Bombay Presidency, and that the said territory should, on and from that day, cease to be a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874; It is hereby enacted as follows:—

XIV of 1874.
XV of 1874.

Short title.

1. This Act may be called the Pánch Maháls Laws Act, 1884.

Laws of Kaira to apply.

2. (*1*) Save and except the enactments specified in the schedule hereto annexed, all enactments which, on the first day of March, 1885, are in force in the district of Kaira and not in the Pánch Maháls shall be deemed to come into force in the Pánch Maháls on that day.

Other laws repealed.

(*2*) All enactments which on that day are in force in the Pánch Maháls and not in the district of Kaira shall be deemed to be repealed on and from that day in the Pánch Maháls.

Pending proceedings.

3. All proceedings commenced before any authority in the Pánch Maháls before the first day of March, 1885, and still pending on that day, shall be disposed of by such authority as the Local Government may direct, and, save as aforesaid, shall be carried on as if this Act had not been passed.

Territory to cease to be a scheduled district.

4. On and from the first day of March, 1885, the Pánch Maháls shall cease to be a scheduled district; and in Part II of the First Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874, the words "The Pánch Maháls" shall be repealed.

Partial repeal of Acts XIV and XV of 1874.

XIV of 1874.

XV of 1874.

THE SCHEDULE.

ENACTMENTS EXCEPTED FROM THE OPERATION OF SECTION 2.

Acts of the Governor General in Council.

Number and year.	Title.	Extent of exception.
VIII of 1870 ...	For the prevention of the murder of female infants.	The whole.
XXI of 1881 ...	To amend the law providing for the relief of Thákurs in the districts of Broach and Kaira.	The whole.

Act of the Governor of Bombay in Council.

Number and year.	Title.	Extent of exception.
V of 1879 ...	To consolidate and amend the law relating to Revenue-officers and the land-revenue in the Presidency of Bombay.	Section 85 and last fifteen words of section 58.

STATEMENT OF OBJECTS AND REASONS.

THE territory called the Pánch Mahâls, lying in the extreme east of Gujarát, in the Bombay Presidency, is a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874, and, though for revenue-purposes part of the Kaira District, it has hitherto, from its backward state and the poverty and ignorance of the people, been treated as a non-regulation district.

The Government of Bombay are, however, of opinion that the Pánch Mahâls ought now to be placed upon a regulation footing, and at their suggestion the present Bill, which has been framed on the model of the Bánkí Laws Act, 1881, has been prepared. It assimilates the law in force in the Pánch Mahâls to that in the Kaira District from the 1st March, 1885, excluding the Female Infanticide Act, 1870, the Broach and Kaira Thákurs' Relief Act, 1881, and the Bombay Land-revenue Code, 1879, section 85 and the last fifteen words of section 58, which the Government of Bombay desire should not be extended to the Pánch Mahâls; it saves pending proceedings; and it declares that, from the above-mentioned date, the Pánch Mahâls shall cease to be a scheduled district, repealing at the same time the reference to those Mahâls which occurs in Part II of the first Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874.

The 23rd October, 1884. C. P. ILBERT.

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 13, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th December, 1884:—

No. 17 OF 1884.

A Bill to amend the law in force in the Pánch Mahâls.

WHEREAS it is expedient that the law in force in the territory comprised in the Pánch Mahâls should, on and from the first day of March, 1885, be the same as the law in force in the district of Kaira, in the Bombay Presidency, and that the said territory should, on and from that day, cease to be a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874; It is hereby enacted as follows:— XIV of 1874. XV of 1874.

Short title. 1. This Act may be called the Pánch Mahâls Laws Act, 1884.

Laws of Kaira to apply. 2. (*1*) Save and except the enactments specified in the schedule hereto annexed, all enactments which, on the first day of March, 1885, are in force in the district of Kaira and not in the Pánch Mahâls shall be deemed to come into force in the Pánch Mahâls on that day.

Other laws repealed. (*2*) All enactments which on that day are in force in the Pánch Mahâls and not in the district of Kaira shall be deemed to be repealed on and from that day in the Pánch Mahâls.

Pending proceedings. 3. All proceedings commenced before any authority in the Pánch Mahâls before the first day of March, 1885, and still pending on that day, shall be disposed of by such authority as the Local Government may direct, and, save as aforesaid, shall be carried on as if this Act had not been passed.

Territory to cease to be a scheduled district. 4. On and from the first day of March, 1885, the Pánch Mahâls shall cease to be a scheduled district; and in Part II of the First Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874, the words "The Pánch Mahâls" shall be repealed.

Partial repeal of Acts XIV and XV of 1874. XIV of 1874. XV of 1874.

THE SCHEDULE.

ENACTMENTS EXCEPTED FROM THE OPERATION OF SECTION 2.

Acts of the Governor General in Council.

Number and year.	Title.	Extent of exception.
VIII of 1870 ...	For the prevention of the murder of female infants.	The whole.
XXI of 1881 ...	To amend the law providing for the relief of Thákurs in the districts of Broach and Kaira.	The whole.

Act of the Governor of Bombay in Council.

Number and year.	Title.	Extent of exception.
V of 1879 ...	To consolidate and amend the law relating to Revenue-officers and the land-revenue in the Presidency of Bombay.	Section 85 and last fifteen words of section 58.

STATEMENT OF OBJECTS AND REASONS.

THE territory called the Pánch Mahál, lying in the extreme east of Gujarát, in the Bombay Presidency, is a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874, and, though for revenue-purposes part of the Kaira District, it has hitherto, from its backward state and the poverty and ignorance of the people, been treated as a non-regulation district.

The Government of Bombay are, however, of opinion that the Pánch Mahál ought now to be placed upon a regulation footing, and at their suggestion the present Bill, which has been framed on the model of the Bánkí Laws Act, 1881, has been prepared. It assimilates the law in force in the Pánch Mahál to that in the Kaira District from the 1st March, 1885, excluding the Female Infanticide Act, 1870, the Broach and Kaira Thákurs' Relief Act, 1881, and the Bombay Land-revenue Code, 1879, section 85 and the last fifteen words of section 58, which the Government of Bombay desire should not be extended to the Pánch Mahál; it saves pending proceedings; and it declares that, from the above-mentioned date, the Pánch Mahál shall cease to be a scheduled district, repealing at the same time the reference to those Mahál which occurs in Part II of the first Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874.

The 23rd October, 1884.

C. P. ILBERT.

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 20, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th December, 1884:—

No. 17 OF 1884.

A Bill to amend the law in force in the Pánch Mahál.

WHEREAS it is expedient that the law in force in the territory comprised in the Pánch Mahál should, on and from the first day of March, 1885, be the same as the law in force in the district of Kaira, in the Bombay Presidency, and that the said territory should, on and from that day, cease to be a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874; It is hereby enacted as follows:— XIV of 1874. XV of 1874.

Short title. 1. This Act may be called the Pánch Mahál Laws Act, 1884.

Laws of Kaira to apply. 2. (*1*) Save and except the enactments specified in the schedule hereto annexed, all enactments which, on the first day of March, 1885, are in force in the district of Kaira and not in the Pánch Mahál shall be deemed to come into force in the Pánch Mahál on that day.

Other laws repealed. (*2*) All enactments which on that day are in force in the Pánch Mahál and not in the district of Kaira shall be deemed to be repealed on and from that day in the Pánch Mahál.

Pending proceedings. 3. All proceedings commenced before any authority in the Pánch Mahál before the first day of March, 1885, and still pending on that day, shall be disposed of by such authority as the Local Government may direct, and, save as aforesaid, shall be carried on as if this Act had not been passed.

Territory to cease to be a scheduled district. 4. On and from the first day of March, 1885, the Pánch Mahál shall cease to be a scheduled district; and in Part II of the First Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874, the words "The Pánch Mahál" shall be repealed. XIV of 1874. XV of 1874.

Partial repeal of Acts XIV and XV of 1874.

THE SCHEDULE.

ENACTMENTS EXCEPTED FROM THE OPERATION OF SECTION 2.

Acts of the Governor General in Council.

Number and year.	Title.	Extent of exception.
VIII of 1870 ...	For the prevention of the murder of female infants.	The whole.
XXI of 1881 ...	To amend the law providing for the relief of Thákurs in the districts of Broach and Kaira.	The whole.

Act of the Governor of Bombay in Council.

Number and year.	Title.	Extent of exception.
V of 1879 ...	To consolidate and amend the law relating to Revenue-officers and the land-revenue in the Presidency of Bombay.	Section 85 and last fifteen words of section 58.

STATEMENT OF OBJECTS AND REASONS.

THE territory called the Pánch Mahál, lying in the extreme east of Gujarát, in the Bombay Presidency, is a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874, and, though for revenue-purposes part of the Kaira District, it has hitherto, from its backward state and the poverty and ignorance of the people, been treated as a non-regulation district.

The Government of Bombay are, however, of opinion that the Pánch Mahál ought now to be placed upon a regulation footing, and at their suggestion the present Bill, which has been framed on the model of the Bánkí Laws Act, 1881, has been prepared. It assimilates the law in force in the Pánch Mahál to that in the Kaira District from the 1st March, 1885, excluding the Female Infanticide Act, 1870, the Broach and Kaira Thákurs' Relief Act, 1881, and the Bombay Land-revenue Code, 1879, section 85 and the last fifteen words of section 58, which the Government of Bombay desire should not be extended to the Pánch Mahál; it saves pending proceedings; and it declares that, from the above-mentioned date, the Pánch Mahál shall cease to be a scheduled district, repealing at the same time the reference to those Mahál which occurs in Part II of the first Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874.

The 23rd October, 1884.

C. P. ILBERT.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th December, 1884, and was referred to a Select Committee :—

No. 18 OF 1884.

A Bill to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend the Excise Act, 1881, and the Bengal Excise Act, 1878.

WHEREAS it is expedient to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend section 7 of the Excise Act, 1881, and section 18 of the Bengal Excise Act, 1878; It is hereby enacted as follows :—

XI of 1882. XXII of 1881. Beng. Act VII of 1878.

XI of 1882.

1. The part of section 6 of the Indian Tariff Act, 1882, beginning with the words "And whereas," down to and including the words "been paid," is repealed.

Repeal of part of section 6 of Act XI of 1882.

XXII of 1881.

2. For clause (*a*) of section 7 of the Excise Act, 1881, the following clause shall be substituted :—

Amendment of section 7 of Act XXII of 1881.

"(*a*) such duty as the Local Government may from time to time fix in respect of such spirit has been paid."

Beng. Act VII of 1878.

3. In section 18 of the Bengal Excise Act, 1878, for the words "at the rate leviable under any Tariff Act for the time being in force" the words "at such rate as the Local Government may from time to time fix in respect of such spirituous liquor" shall be substituted; but nothing in this section shall affect any Act passed after this Act comes into force by the Lieutenant-Governor of Bengal in Council.

Amendment of section 18 of Bengal Act VII of 1878.

XI of 1882.

4. The duty now fixed by the Local Government under section 6 of the Indian Tariff Act, 1882, as leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, shall, in places in which the Excise Act, 1881, or the Bengal Excise Act, 1878, is in force, be deemed to be the duty fixed by the Local Government under sections 7 and 18 of those Acts, as amended by this Act, respectively,

Saving of duties already fixed under section 6 of Act XI of 1882.

XXII of 1881. Beng. Act VII of 1878.

STATEMENT OF OBJECTS AND REASONS.

THE Government of Madras recently submitted a draft Bill to consolidate and amend the Abkari law of the Presidency of Madras, for sanction to its introduction in the local Legislative Council, and, on examination of its provisions, it was found that two clauses of one of its sections, imposing a duty on liquor, were, as applied to spirit, *ultra vires* of the local legislature, as the mode of fixing the excise duty on spirit is determined by section 6 of the Indian Tariff Act, 1882. It was also feared that the penultimate clause of the latter section, by keeping in force, under the authority of the Governor General's Legislative Council, an unexplored mass of law existing on the 10th March, 1882, might render other provisions of that Bill *ultra vires*.

This in itself would make it necessary that legislation should be resorted to in the Council of the Governor General in order to prevent the Madras Bill from being declared invalid; and as, moreover, section 6 of the Tariff Act must seriously hamper any local legislature contemplating legislation like that proposed by the Madras Government, it is proposed to repeal that section, leaving it to the Local Governments to deal with the mode of fixing the duties of excise on spirit, under the other enactments locally in force, subject, so far as any discretion is allowed to them by those enactments, to the general executive control of the Government of India.

The present Bill has accordingly been prepared. It first repeals section 6 of the Tariff Act except the last clause amending section 1 of Act XVI of 1863, which Act is still in force. It then amends section 7 of the Excise Act, 1881, and section 18 of the Bengal Excise Act, 1878, which at present contain references to the provisions of section 6 of the Tariff Act, by omitting these references and conferring on the Local Governments concerned power to fix the duty payable in respect of country spirit. Lastly, in order to prevent any question being raised as to the effect of the repeal of section 6 of the Tariff Act, the Bill declares that duties already fixed by the Local Government under section 6 of the Tariff Act shall be deemed to be duties fixed by the Local Government under sections 7 and 18 of the Excise Act, 1881, and the Bengal Excise Act, 1878, as amended by this Act, respectively.

The 13th December 1884.

A. COLVIN.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th December, 1884, and was referred to a Select Committee:—

No. 19 OF 1884.

A Bill to amend the law relating to the carriage of passengers by sea.

[Act II of 1860, preamble.]

18 & 19 Vic., c. 119.

WHEREAS by section 99 of an Act of the Imperial Parliament called "the Passengers Act, 1855," it is enacted that "it shall be lawful for the Governor General of India in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act or any part thereof shall apply to the carriage of passengers upon any voyage, from any ports or places within the territories of British India, to be specified in such Act or Acts, to any other places whatsoever, to be also specified in such Act or Acts;" and it is thereby also enacted that "on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian Act or Acts shall be specified. The provisions of such Indian Act shall be enforced in all Her Majesty's possessions in like manner as the provisions of this Act may be enforced;"

[New.]

And whereas certain parts of the said Act of Parliament were by Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) made applicable to the carriage of passengers upon certain specified voyages;

[New.]

26 & 27 Vic., c. 51.

18 & 19 Vic., c. 119.

And whereas by an Act of the Imperial Parliament called "the Passengers Act Amendment Act, 1863," certain parts of the Passengers Act, 1855, which were so made applicable have been amended, and it is provided that the said Acts of the Imperial Parliament shall be construed together as one Act;

[New.]

18 & 19 Vic., c. 119.

And whereas it is expedient that the amendments so made in the Passengers Act, 1855, should also be made in the parts of that Act so made applicable, and it is also expedient to apply those parts so amended to the carriage of passengers upon certain voyages not specified in Act II of 1860;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Sea Passengers Act, 1885: and [New.]

(*2*) It shall come into force on the first day of March, 1885. [New.]

Repeal of Act II of 1860.

2. On and from the day on which this Act comes into force, Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) shall be repealed. [New.]

Certain provisions of the Statutes made applicable to specified voyages from India.

3. The provisions contained in sections 4, 5 and 6 of this Act, and the schedule hereto annexed (being parts of the Passengers Act, 1855, as amended by the Passengers Act Amendment Act, 1863), are declared applicable to the carriage of passengers upon the following voyages, namely:— [Act II of 1860, s. 1, Act VII of 1871, ss. 23 and 24.] [New.] 18 & 19 Vic., c. 119. 26 & 27 Vic., c. 51.

(*a*) Voyages from the ports of Calcutta, Madras and Bombay to the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, Nevis and Fiji; [New.]

(*b*) Voyages from the ports of Calcutta, Madras and Bombay to the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana; [New.]

(*c*) Voyages from the ports of Calcutta, Madras and Bombay to the Netherlands colony of Dutch Guiana; [New.]

(*d*) Voyages from the ports of Calcutta, Madras and Bombay to the Danish colony of St. Croix; [New.]

(*e*) Voyages under the Native Passenger Ships Act, 1876, from Calcutta Madras, Bombay, Karáchí, Rangoon and other ports in British India to the Straits Settlements, to the protected Native States adjoining the Straits Settlements, to Australia, and to ports in the Red Sea or Persian Gulf. VIII of 1876.

[Act II of 1860, s. 2.]

Governors or Consuls may pay expenses of passengers taken off passenger-ship.

4. If the passengers upon any such voyage as is specified in the last preceding section are taken off from the ship carrying such passengers, or are picked up at sea from any boat, raft or otherwise, it shall be lawful, if the port or place to which they shall be conveyed is in any of Her Majesty's colonial possessions, for the Governor of such colony, or for any person authorized by him for the purpose, or, if in any foreign country, for Her Majesty's Consular officer, at such port or place therein, to defray all or any part of the expenses thereby incurred.

[Act II of 1860, s. 3, 26 & 27 Vic., c. 51, [New.]

Governors or Consuls may send on passengers, if the master of the ship fail to do so.

5. If any passenger of any such passenger-ship as aforesaid, without any neglect or default of his own, finds himself within any colonial or foreign port, or place other than that for which the ship was originally bound, or at which he, or the Emigration Agent, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful for the Governor of the colony, or for any person authorized by him for the purpose or for Her Majesty's Consular officer at the foreign port or place, as the case may be, to forward the passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of such passenger, gives to the Governor or Consular officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter the passenger to his original destination, and unless the master accordingly forwards or carries him on within that period.

Act II of 1860, s. 4, 26 & 27 Vic., c. 51, s. 16.]

Expenses incurred under sections 4 and 5 to be a Crown debt.

6. (*1*) All expenses incurred under the last two preceding sections, or either of them, by or by the authority of a Governor or Consular officer, or other person as therein respectively mentioned, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary bedding, provisions and stores, shall become a debt to Her Majesty and Her successors from the owner, charterer and master of the ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts.

[New.]

(*2*) A certificate in the form given in the Schedule hereto annexed, or as near thereto as the circumstances of the case will admit, purporting to be under the hand of any such Governor or Consular officer (as the case may be), stating the total amount of the expenses, shall, in any suit or other proceeding for the recovery of the debt, be received in evidence without proof of the handwriting or of the official character of the Governor or Consular officer, and shall be deemed sufficient evidence of the amount of the expenses, and that the same were duly incurred;

[New.]

nor shall it be necessary to adduce on behalf of Her Majesty any other evidence in support of the claim, but judgment shall pass for the Crown, with costs of suit, unless the defendant specially pleads and duly proves that the certificate is false or fraudulent, or specially pleads and duly proves any facts showing that the expenses were not duly incurred:

Provided, nevertheless, that in no case shall any larger sum be recovered on account of the expenses than a sum equal to twice the total amount of passage-money received or due to and recoverable by or on account of the owner, charterer or master of the passenger-ship or any of them from or on account of the whole number of passengers who may have embarked in the ship; which total amount of passage-money shall be proved by the defendant if he will have the advantage of this limitation of the debt: but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage-money, or to any compensation for loss of passage.

THE SCHEDULE.

[26 & 27 Vic., cap. 51, Sched.] [New.]

Form of Governor's or Consul's Certificate of expenditure in the case of Passengers shipwrecked &c.

(*See section 6.*)

(*a*). *N. B.*—1. If more passengers were rescued than forwarded, or if bedding, &c., was not supplied, alter the certificate to suit the facts of the case.

(*b*). *N. B.*—2. State generally the nature of the disaster and where it occurred. But if the passengers were only left behind without any default of their own, state the fact accordingly.

I hereby certify that acting under, and in conformity with, the provisions of the Indian Sea Passengers Act, 1885, I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions and stores (*a*), and in forwarding to their destination passengers who were proceeding from to in the passenger-ship which was wrecked at sea, &c. (*b*).

And I further certify, for the purposes of the sixth section of the said Indian Sea Passengers Act, 1885, that the total amount of such expenses is , and that such expenses were duly incurred by me under the said Act.

Given under my hand this day of 18 .

{ *Governor of &c.*, (or, as the case may be), *Her Britannic Majesty's Consul at* .

STATEMENT OF OBJECTS AND REASONS.

Act II of 1860 declares certain parts (namely, sections 52, 53 and 54) of the English Passengers Act, 1855 (18 & 19 Vic., cap. 119) to be applicable to the carriage of passengers upon voyages from the ports of Calcutta, Madras and Bombay to the colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia and Grenada, and from ports in British India to ports in the Red Sea or Persian Gulf. The colonies mentioned were the places to which emigration was then lawful. Since 1860, emigration to the colonies of Fiji, Natal, Réunion, St. Croix, Guadeloupe, Martinique, Dutch Guiana, St. Vincent, Nevis and St. Kitts has been sanctioned. With respect, however, to voyages to places not specified in Act II of 1860, that

Act gives no power to any authority to recover expenses incurred in forwarding shipwrecked passengers to their destination and in maintaining them until they are so forwarded. At present, therefore, the voyages to which the Act does not apply are more numerous than those to which it does.

2. Again, the Act, as it stands at present, is, if strictly construed, inapplicable to the conditions under which emigration from India is usually conducted. Section 3 of the Act, following section 53 of the English Passengers Act, 1855, runs as follows:—"If any passenger * * * find himself within any colonial or foreign port or place other than that at which *he may have contracted to land*," &c. But as a rule, emigrants from India do not themselves contract with the owners or charterers of the vessels in which they emigrate. In all cases falling under the Indian Emigration Act VII of 1871 (or which may fall under the Indian Emigration Act XXI of 1883, when that Act is brought into force) the contract is made by a recruiter for the colony importing labour, under the supervision of the Protector of Emigrants. Emigrants despatched in this way are therefore technically excluded from the provisions of Act II of 1860. A similar difficulty appears to have arisen in England, and to have been met by an amendment of the law. Section 12 of the English Passengers Act Amendment Act, 1863 (26 & 27 Vic., cap. 51), repeals section 53 of the English Passengers Act, 1855, and section 15 of the former Act substitutes for the words "other than that at which he may have contracted to land" the words "other than that for which the ship was originally bound, or at which he or the Emigration Commissioners, or any public officer, or other person on his behalf, may have contracted that he should land".

3. These two defects in the Act came to notice in connection with the following occurrence. In the end of April last, the steamer *Laleham*, carrying emigrants from Calcutta to Dutch Guiana, grounded off Ceylon, and was compelled to land her passengers at Trincomalee. The *Laleham* returned to Calcutta, where she was examined by the Engineer-Surveyor to the port, and reported "unseaworthy and unfit to proceed to sea without serious danger to human life". The Agents of the *Laleham* at first proposed to substitute another vessel, but subsequently declined to do so, offering merely to have the *Laleham* repaired at Calcutta, and to fulfil her charter-party by re-embarking the coolies at Trincomalee and taking them on to Surinam.

The Advocate General of Bengal, on being consulted, was of opinion that no action could be taken under Act II of 1860, and that the matter would be governed by the charter-party. Surinam, he said, being in Dutch Guiana, is not a place to which Act II of 1860 applies. He thought further that the English Passengers Act Amendment Act, 1863, would be construed strictly, and according to such construction he did not think that the words of section 3 of Act II of 1860 would cover the break-down in a voyage to which that Act applied, in any case other than that in which the passenger had himself contracted.

Under these circumstances legislation seems necessary in order to bring Act II of 1860 into conformity with the present system of emigration and the English Passengers Act Amendment Act, 1863.

The present Bill has accordingly been prepared. It repeals and re-enacts Act II of 1860 with the necessary amendments. Section 3 of the present Bill declares the subsequent provisions of the Bill (being parts of the English Passenger Act, 1855, as amended by the Passengers Act Amendment Act, 1863) to be applicable to all voyages to certain specified colonies and places, which are, in fact, the colonies and places to which under the existing law emigration is now lawful or is likely to be legalized; and in sections 5 and 6 the amendments made by the English Passengers Act Amendment Act, 1863, in sections 53 and 54 of the English Passengers Act, 1855 (which formed sections 3 and 4 of Act II of 1860) are incorporated with some slight modifications so as to adapt them to this country.

The 5th December, 1884.

C. P. ILBERT.

D. FITZPATRICK,
Secretary to the Government of India.

The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 27, 1884.

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

PART V.

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

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th December, 1884, and was referred to a Select Committee :—

No. 18 of 1884.

A Bill to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend the Excise Act, 1881, and the Bengal Excise Act, 1878.

WHEREAS it is expedient to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend section 7 of the Excise Act, 1881, and section 18 of the Bengal Excise Act, 1878; It is hereby enacted as follows :—

XI of 1882. XXII of 1881. Beng. Act VII of 1878.

XI of 1882.

1. The part of section 6 of the Indian Tariff Act, 1882, beginning with the words "And whereas," down to and including the words "been paid," is repealed.

Repeal of part of section 6 of Act XI of 1882.

2. For clause (*a*) of section 7 of the Excise Act, 1881, the following clause shall be substituted :—

XXII of 1881.

Amendment of section 7 of Act XXII of 1881.

"(*a*) such duty as the Local Government may from time to time fix in respect of such spirit has been paid."

3. In section 18 of the Bengal Excise Act, 1878, for the words "at the rate leviable under any Tariff Act for the time being in force" the words "at such rate as the Local Government may from time to time fix in respect of such spirituous liquor" shall be substituted; but nothing in this section shall affect any Act passed after this Act comes into force by the Lieutenant-Governor of Bengal in Council.

Beng. Act VII of 1878.

Amendment of section 18 of Bengal Act VII of 1878.

4. The duty now fixed by the Local Government under section 6 of the Indian Tariff Act, 1882, as leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, shall, in places in which the Excise Act, 1881, or the Bengal Excise Act, 1878, is in force, be deemed to be the duty fixed by the Local Government under sections 7 and 18 of those Acts, as amended by this Act, respectively.

XI of 1882.

XXII of 1881.

Beng. Act VII of 1878.

Saving of duties already fixed under section 6 of Act XI of 1882.

STATEMENT OF OBJECTS AND REASONS.

THE Government of Madras recently submitted a draft Bill to consolidate and amend the Abkari law of the Presidency of Madras, for sanction to its introduction in the local Legislative Council, and, on examination of its provisions, it was found that two clauses of one of its sections, imposing a duty on liquor, were, as applied to spirit, *ultra vires* of the local legislature, as the mode of fixing the excise duty on spirit is determined by section 6 of the Indian Tariff Act, 1882. It was also feared that the penultimate clause of the latter section, by keeping in force, under the authority of the Governor General's Legislative Council, an unexplored mass of law existing on the 10th March, 1882, might render other provisions of that Bill *ultra vires*.

This in itself would make it necessary that legislation should be resorted to in the Council, of the Governor General in order to prevent the Madras Bill from being declared invalid; and as

moreover, section 6 of the Tariff Act must seriously hamper any local legislature contemplating legislation like that proposed by the Madras Government, it is proposed to repeal that section, leaving it to the Local Governments to deal with the mode of fixing the duties of excise on spirit, under the other enactments locally in force, subject, so far as any discretion is allowed to them by those enactments, to the general executive control of the Government of India.

The present Bill has accordingly been prepared. It first repeals section 6 of the Tariff Act except the last clause amending section 1 of Act XVI of 1863, which Act is still in force. It then amends section 7 of the Excise Act, 1881, and section 18 of the Bengal Excise Act, 1878, which at present contain references to the provisions of section 6 of the Tariff Act, by omitting these references and conferring on the Local Governments concerned power to fix the duty payable in respect of country spirit. Lastly, in order to prevent any question being raised as to the effect of the repeal of section 6 of the Tariff Act, the Bill declares that duties already fixed by the Local Government under section 6 of the Tariff Act shall be deemed to be duties fixed by the Local Government under sections 7 and 18 of the Excise Act, 1881, and the Bengal Excise Act, 1878, as amended by this Act, respectively.

The 13th December 1884.

A. COLVIN.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th December, 1884, and was referred to a Select Committee:—

No. 19 OF 1884.

A Bill to amend the law relating to the carriage of passengers by sea.

ct II of 60, pre-mble.]

WHEREAS by section 99 of an Act of the Imperial Parliament called "the Passengers Act, 1855," it is enacted that "it shall be lawful for the Governor General of India in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act or any part thereof shall apply to the carriage of passengers upon any voyage, from any ports or places within the territories of British India, to be specified in such Act or Acts, to any other places whatsoever, to be also specified in such Act or Acts;" and it is thereby also enacted that "on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian Act or Acts shall be specified. The provisions of such Indian Act shall be enforced in all Her Majesty's possessions in like manner as the provisions of this Act may be enforced;"

& 19 Vic., 119.

And whereas certain parts of the said Act of Parliament were by Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) made applicable to the carriage of passengers upon certain specified voyages;

New.]

And whereas by an Act of the Imperial Parliament called "the Passengers Act Amendment Act, 1863," certain parts of the Passengers Act, 1855, which were so made applicable have been amended, and it is provided that the said Acts of the Imperial Parliament shall be construed together as one Act;

& 27 Vic., 51.

& 19 Vic., 119.

New.]

And whereas it is expedient that the amendments so made in the Passengers Act, 1855, should also be made in the parts of that Act so made applicable, and it is also expedient to apply those parts so amended to the carriage of passengers upon certain voyages not specified in Act II of 1860;

19 Vic.,

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Sea Passengers Act, 1885: and [New.]

(*2*) It shall come into force on the first day of March, 1885. [New.]

Repeal of Act II of 1860.

2. On and from the day on which this Act comes into force, Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) shall be repealed. [New.]

Certain provisions of the Statutes made applicable to specified voyages from India.

3. The provisions contained in sections 4, 5 and 6 of this Act, and the schedule hereto annexed (being parts of the Passengers Act, 1855, as amended by the Passengers Act Amendment Act, 1863), are declared applicable to the carriage of passengers upon the following voyages, namely:— [Act II of 1860 s. 1, Act VII of 1871, ss. 23 and 24.] [New.] 18 & 19 Vic., c.119. 26 & 27 Vic., c. 51.

(*a*) Voyages from the ports of Calcutta, Madras and Bombay to the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, Nevis and Fiji; [New.]

(*b*) Voyages from the ports of Calcutta, Madras and Bombay to the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana; [New.]

(*c*) Voyages from the ports of Calcutta, Madras and Bombay to the Netherlands colony of Dutch Guiana; [New.

(*d*) Voyages from the ports of Calcutta, Madras and Bombay to the Danish colony of St. Croix; [New.]

(*e*) Voyages under the Native Passenger Ships Act, 1876, from Calcutta, Madras, Bombay, Karáchí, Rangoon and other ports in British India to the Straits Settlements, to the protected Native States adjoining the Straits Settlements, to Australia, and to ports in the Red Sea or Persian Gulf. VIII of 1876.

[Act II of 1860, s. 2.]

Governors or Consuls may pay expenses of passengers taken off passenger-ship.

4. If the passengers upon any such voyage as is specified in the last preceding section are taken off from the ship carrying such passengers, or are picked up at sea from any boat, raft or otherwise, it shall be lawful, if the port or place to which they shall be conveyed is in any of Her Majesty's colonial possessions, for the Governor of such colony, or for any person authorized by him for the purpose, or, if in any foreign country, for Her Majesty's Consular officer, at such port or place therein, to defray all or any part of the expenses thereby incurred.

[Act II of 1860, s. 3, 26 & 27 Vic., c. 51, New.]

Governors or Consuls may send on passengers, if the master of the ship fail to do so.

5. If any passenger of any such passenger-ship as aforesaid, without any neglect or default of his own, finds himself within any colonial or foreign port, or place other than that for which the ship was originally bound, or at which he, or the Emigration Agent, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful for the Governor of the colony, or for any person authorized by him for the purpose or for Her Majesty's Consular officer at the foreign port or place, as the case may be, to forward the passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of such passenger, gives to the Governor or Consular officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter the passenger to his original destination, and unless the master accordingly forwards or carries him on within that period.

Act II of 1860, s. 4, 26 & 27 Vic., c. 51, s. 16.]

Expenses incurred under sections 4 and 5 to be a Crown debt.

6. (*1*) All expenses incurred under the last two preceding sections, or either of them, by or by the authority of a Governor or Consular officer, or other person as therein respectively mentioned, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary bedding, provisions and stores, shall become a debt to Her Majesty and Her successors from the owner, charterer and master of the ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts.

[New.]

(*2*) A certificate in the form given in the Schedule hereto annexed, or as near thereto as the circumstances of the case will admit, purporting to be under the hand of any such Governor or Consular officer (as the case may be), stating the total amount of the expenses, shall, in any suit or other proceeding for the recovery of the debt, be received in evidence without proof of the handwriting or of the official character of the Governor or Consular officer, and shall be deemed sufficient evidence of the amount of the expenses, and that the same were duly incurred;

[New.]

nor shall it be necessary to adduce on behalf of Her Majesty any other evidence in support of the claim, but judgment shall pass for the Crown, with costs of suit, unless the defendant specially pleads and duly proves that the certificate is false or fraudulent, or specially pleads and duly proves any facts showing that the expenses were not duly incurred:

Provided, nevertheless, that in no case shall any larger sum be recovered on account of the expenses than a sum equal to twice the total amount of passage-money received or due to and recoverable by or on account of the owner, charterer or master of the passenger-ship or any of them from or on account of the whole number of passengers who may have embarked in the ship; which total amount of passage-money shall be proved by the defendant if he will have the advantage of this limitation of the debt: but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage-money, or to any compensation for loss of passage.

THE SCHEDULE.

[26 & 27 Vic., cap. 51, Sched. New.]

Form of Governor's or Consul's Certificate of expenditure in the case of Passengers shipwrecked &c.

(*See section 6.*)

(*a*). *N. B.*—1. If more passengers were rescued than forwarded, or if bedding, &c., was not supplied, alter the certificate to suit the facts of the case.

(*b*). *N. B.*—2. State generally the nature of the disaster and where it occurred. But if the passengers were only left behind without any default of their own, state the fact accordingly.

I hereby certify that acting under, and in conformity with, the provisions of the Indian Sea Passengers Act, 1855, I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions and stores (*a*), and in forwarding to their destination passengers who were proceeding from to in the passenger-ship which was wrecked at sea, &c. (*b*).

And I further certify, for the purposes of the sixth section of the said Indian Sea Passengers Act, 1855, that the total amount of such expenses is and that such expenses were duly incurred by me under the said Act.

Given under my hand this day of 18 .

{ *Governor of &c.*, (or, as the case may be). *Her Britannic Majesty's Consul at*

STATEMENT OF OBJECTS AND REASONS.

ACT II of 1860 declares certain parts (namely, sections 52, 53 and 54) of the English Passengers Act, 1855 (18 & 19 Vic., cap. 119) to be applicable to the carriage of passengers upon voyages from the ports of Calcutta, Madras and Bombay to the colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia and Grenada, and from ports in British India to ports in the Red Sea or Persian Gulf. The colonies mentioned were the places to which emigration was then lawful. Since 1860, emigration to the colonies of Fiji, Natal, Réunion, St. Croix, Guadeloupe, Martinique, Dutch Guiana, St. Vincent, Nevis and St. Kitts has been sanctioned. With respect, however, to voyages to places not specified in Act II of 1860, that

Act gives no power to any authority to recover expenses incurred in forwarding shipwrecked passengers to their destination and in maintaining them until they are so forwarded. At present, therefore, the voyages to which the Act does not apply are more numerous than those to which it does.

2. Again, the Act, as it stands at present, is, if strictly construed, inapplicable to the conditions under which emigration from India is usually conducted. Section 3 of the Act, following section 53 of the English Passengers Act, 1855, runs as follows:—"If any passenger * * * find himself within any colonial or foreign port or place other than that at which *he may have contracted to land*," *&c.* But as a rule, emigrants from India do not themselves contract with the owners or charterers of the vessels in which they emigrate. In all cases falling under the Indian Emigration Act VII of 1871 (or which may fall under the Indian Emigration Act XXI of 1883, when that Act is brought into force) the contract is made by a recruiter for the colony importing labour, under the supervision of the Protector of Emigrants. Emigrants despatched in this way are therefore technically excluded from the provisions of Act II of 1860. A similar difficulty appears to have arisen in England, and to have been met by an amendment of the law. Section 12 of the English Passengers Act Amendment Act, 1863 (26 & 27 Vic., cap. 51), repeals section 53 of the English Passengers Act, 1855, and section 15 of the former Act substitutes for the words "other than that at which he may have contracted to land" the words "other than that for which the ship was originally bound, or at which he or the Emigration Commissioners, or any public officer, or other person on his behalf, may have contracted that he should land".

3. These two defects in the Act came to notice in connection with the following occurrence. In the end of April last, the steamer *Laleham*, carrying emigrants from Calcutta to Dutch Guiana, grounded off Ceylon, and was compelled to land her passengers at Trincomalee. The *Laleham* returned to Calcutta, where she was examined by the Engineer-Surveyor to the port, and reported "unseaworthy and unfit to proceed to sea without serious danger to human life". The Agents of the *Laleham* at first proposed to substitute another vessel, but subsequently declined to do so, offering merely to have the *Laleham* repaired at Calcutta, and to fulfil her charter-party by re-embarking the coolies at Trincomalee and taking them on to Surinam.

The Advocate General of Bengal, on being consulted, was of opinion that no action could be taken under Act II of 1860, and that the matter would be governed by the charter-party. Surinam, he said, being in Dutch Guiana, is not a place to which Act II of 1860 applies. He thought further that the English Passengers Act Amendment Act, 1863, would be construed strictly, and according to such construction he did not think that the words of section 3 of Act II of 1860 would cover the break-down in a voyage to which that Act applied, in any case other than that in which the passenger had himself contracted.

Under these circumstances legislation seems necessary in order to bring Act II of 1860 into conformity with the present system of emigration and the English Passengers Act Amendment Act, 1863.

The present Bill has accordingly been prepared. It repeals and re-enacts Act II of 1860 with the necessary amendments. Section 3 of the present Bill declares the subsequent provisions of the Bill (being parts of the English Passenger Act, 1855, as amended by the Passengers Act Amendment Act, 1863) to be applicable to all voyages to certain specified colonies and places, which are, in fact, the colonies and places to which under the existing law emigration is now lawful or is likely to be legalized; and in sections 5 and 6 the amendments made by the English Passengers Act Amendment Act, 1863, in sections 53 and 54 of the English Passengers Act, 1855 (which formed sections 3 and 4 of Act II of 1860) are incorporated with some slight modifications so as to adapt them to this country.

The 5th December, 1884.

C. P. ILBERT.

D. FITZPATRICK,
Secretary to the Government of India.

15 DEC 84

The Gazette of India

EXTRAORDINARY.

Published by Authority.

CALCUTTA, TUESDAY, DECEMBER 9, 1884.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 9th December 1884.

No. 1969.

With reference to the *Gazette of India Extraordinary* of the 18th November 1884, announcing the arrangements to be made for the reception of the Right Honourable the Earl of Dufferin, upon the occasion of his arrival to assume the office of Viceroy and Governor General of India, it is hereby notified for general information that Lord Dufferin is expected to arrive at the Howrah terminus of the East Indian Railway at 4 P.M. (Calcutta time) on Saturday, the 13th instant.

A. MACKENZIE,
Secretary to the Government of India.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 9th December 1884.

With reference to Home Department Notification in the *Gazette of India* of November 22nd on the arrival of the Earl of Dufferin in Calcutta, the route taken will be by Strand Road, Fairlie Place, Dalhousie Square North, and so down Old Court House Street into Government House through North-East Entrance.

All Gentlemen entitled to the Private Entrée at Government House will enter by South-East Gate, alight on the South Entrance and will proceed through Government House to the top of the Grand Staircase.

The carriages of Gentlemen (except such as have the Private Entrée) will enter the North-East Gate and alight at the Grand Staircase, and pass out by the North-West Gate.

The Gates of Government House compound will be closed at 4-15 P.M., Calcutta time, after which no carriages will be allowed to enter the compound till after the arrival of the Earl of Dufferin.

By Command,

WILLIAM BERESFORD, *Captain*,
Military Secretary to the Viceroy.

Printed & published for the GOVT. OF INDIA *at the Office of* SUPDT. GOVT. PRINTING, *166, Dhurrumtollah Street, Calcutta.*

The Gazette of India

EXTRAORDINARY.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 13, 1884.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 13th December 1884.

No. 1990.

THE Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, Vice-Admiral of Ulster, and a Baronet, appointed by the Queen-Empress to be Her Imperial Majesty's Viceroy and Governor General of India, arrived by the East Indian Railway at Howrah at 4 P.M. this day, attended by his personal staff, an Aide-de-Camp of the Viceroy, and by a deputation from the Government of Bengal. Lord Dufferin was received at the Howrah Railway Station by the Secretaries to the Government of India, the Military Secretary and Aides-de-Camp to the Viceroy, by the Commissioner of Burdwan, one of the Secretaries of the Government of Bengal, the Brigadier-General Commanding the Presidency District with the District Staff, the Commissioner of Police and Chairman of the Justices of the Peace for the Town of Calcutta, the Sheriff of Calcutta, and the Magistrate of Howrah. Lord Dufferin then proceeded to Government House, and at 4-45 P.M. took his seat as Viceroy and Governor General in His Excellency's Council.

2. The following Proclamation is published by order of the Right Honourable the Governor General in Council:—

PROCLAMATION.

WHEREAS the Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye, in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, Vice-Admiral of Ulster, and a Baronet, has been appointed by Her Majesty to be Her Viceroy and Governor General of India, and has assumed the said office, the said appointment is hereby notified, and it is proclaimed that the said Right Honourable Lord Dufferin, Viceroy and Governor General of India, has this day taken his seat in His Excellency's Council.

By Order of His Excellency the Viceroy and Governor General of India in Council,

A. MACKENZIE,
Secretary to the Government of India.

Printed & published for the GOVT. OF INDIA *at the Office of* SUPDT. GOVT. PRINTING, *166, Dhurrumtollah Street, Calcutta.*

The Gazette of India

EXTRAORDINARY.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 13, 1884.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 13th December 1884.

His Excellency the Viceroy and Governor General will hold a Levée at Government House, Calcutta, on Saturday, the 20th December 1884, at 9-30 P.M.

All Civil and Military Officers are invited to attend.

Gentlemen purposing to attend the Levée are requested to send their cards to the Aide-de-Camp in waiting, not later than Tuesday, the 16th December 1884, after which no cards will be received, and to bring with them to the Levée two cards with their names legibly written on them. One to be given on entering Government House, and the other to the Aide-de-Camp in waiting at the time of presentation.

Gentlemen who have not already been presented at the Court of St. James or at Government House will be good enough to add the names of Gentlemen who will present them.

The Levée will be closed by the Native Officers of the Garrison being presented by their Commanding Officers.

Gentlemen wearing uniform will appear in full dress.

Gentlemen not wearing uniform will appear in evening dress.

The carriages of Gentlemen (except such as have the private entrée) attending the Levée will enter by the North-East Gate, set down under the Grand Staircase, and pass out by the North-West Gate.

By Command,

WILLIAM BERESFORD, *Captain,*
Military Secretary to the Viceroy.

Printed & published for the GOVT. OF INDIA *at the Office of* SUPDT. GOVT. PRINTING, *166, Dhurrumtollah Street, Calcutta.*

The Gazette of India

EXTRAORDINARY.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 13, 1884.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 13th December 1884.

No. 2020.

His Excellency the Governor General in Council directs that all honours and distinctions, which were paid to His Excellency the Most Honourable the Marquis of Ripon when holding the office of Governor General of India, shall be continued to His Excellency during his stay in India.

NOTIFICATION.

No. 2021.

The Most Honourable the Marquis of Ripon will leave Howrah for Bombay *en route* for England at 9 A.M. (Railway time) on the 15th December.

His Excellency the Viceroy and Governor General desires that the same honours which were accorded to himself upon his recent arrival in Calcutta shall be paid to Lord Ripon upon the occasion of His Lordship's leaving Calcutta after resigning the office of Viceroy and Governor General of India.

A Guard of Honour of British Infantry and a Guard of Honour of the Calcutta Volunteers will be drawn up opposite the grand entrance of Government House. A Guard of Honour of Native Infantry will be drawn up outside the Howrah Railway Station; and a Guard of Honour of the East Indian Railway Volunteers will be drawn up on the platform of the station.

The line of route from the entrance of Government House to the Howrah Railway Station will be lined throughout by troops under the orders of the Brigadier-General Commanding the Presidency District.

A Royal Salute will be fired from the ramparts of Fort William as Lord Ripon leaves Government House, and another Royal Salute will be fired as the train leaves the Howrah Platform.

All officers of Government (excepting those mentioned below) will be in attendance upon the grand staircase of Government House. Consular officers and other representatives of foreign Governments at Calcutta and non-official gentlemen are invited to be present on the grand staircase.

The Lieutenant-Governor of Bengal, attended by his personal staff, will be present at the Howrah Railway Platform.

Members of the Governor General's Council will also be present at the Howrah Railway Platform.

The following officers will be in attendance at the Howrah Railway Platform :—

Secretaries to the Government of India.
The Commissioner of the Burdwan Division.
One of the Secretaries of the Government of Bengal.
The Brigadier-General Commanding the Presidency District, with the district staff.
The Commissioner of Police and Chairman of the Justices of the Peace for the Town of Calcutta.
The Sheriff of Calcutta.
The Magistrate of Howrah.

The Viceroy, attended by his personal staff and escorted by the Body Guard, will accompany Lord Ripon from Government House to the Howrah Railway Station.

The troops will not be withdrawn until the receipt of orders to that effect. They will pay the usual honours to the Viceroy as he returns to Government House.

Full dress will be worn by the troops and by all officers, civil and military, on this occasion, and morning dress by all gentlemen not entitled to wear uniform.

NOTIFICATION.

No. 2022.

The Most Honourable the Marquis of Ripon will leave Howrah by special train at 9 A.M. (Railway time) on Monday, the 15th December.

At the Railway Stations at which halts are made for rest and refreshment the principal Civil and the principal Military Officers will be in attendance. There will also be a Guard of Honour upon the platform.

At stations between Howrah and Bombay, other than those mentioned in the preceding paragraph, the attendance of Officers is dispensed with.

Proper police precautions will be taken at all stations along the line at which the train stops.

His Excellency the Governor of Bombay will make arrangements, in communication with the Naval authorities, for the embarkation of the Marquis of Ripon at Bombay with all the honours and distinctions which are due to the Viceroy of India.

The Resident at Aden will receive the Marquis of Ripon with all the honours and distinctions which are due to the Viceroy of India.

By Order of His Excellency the Viceroy and Governor General of India in Council,

A. MACKENZIE,
Secretary to the Government of India.

Printed & published for the GOVT. OF INDIA *at the Office of* SUPDT. GOVT. PRINTING, *166, Dhurrumtollah Street, Calcutta.*

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